

D.C. W.S.

L A W S

OF THE

TERRITORY OF UTAH,

PASSED AT THE

TWENTY-FOURTH SESSION OF THE LEGISLATIVE ASSEMBLY,

HELD AT THE CITY OF SALT LAKE, THE CAPITAL OF SAID TERRITORY,

COMMENCING JANUARY 12, A. D. 1880, AND ENDING

FEBRUARY 20, A. D. 1880.

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1880.

CERTIFICATE OF AUTHENTICATION.

TERRITORY OF UTAH, }
SECRETARY'S OFFICE. } ss.

I, ARTHUR L. THOMAS, Secretary of the Territory of Utah, do hereby certify that the printed laws and memorial contained in this volume are true, correct, and full copies of all the enrolled laws and memorial passed at the twenty-fourth regular session of the Legislative Assembly of said Territory, begun and held at the city of Salt Lake, the capital of said Territory, on the 12th day of January, A. D. 1880, and ending on the 20th day of February, A. D. 1880, with the exceptions of corrections in orthography and punctuation.

In Testimony Whereof, I have hereunto set my hand
and affixed the great seal of said Territory. Done
[L. s.] at the city of Salt Lake, the capital of said Territory of Utah, this 18th day of March, A. D. 1880.

ARTHUR L. THOMAS, *Secretary*.

FEDERAL OFFICERS OF UTAH TERRITORY.

GOVERNOR:

ELI H. MURRAY.

SECRETARY:

ARTHUR L. THOMAS.

JUDGES OF THE SUPREME COURT:

Chief Justice:

JOHN A. HUNTER, . . . THIRD DISTRICT.

Associate Justices:

PHILIP H. EMERSON, . . . FIRST DISTRICT.

JACOB S. BOREMAN, . . . SECOND DISTRICT.

UNITED STATES MARSHAL:

M. SHAUGHNESSY.

UNITED STATES ATTORNEY:

PHILIP T. VAN ZILE.

SURVEYOR GENERAL:

FREDERICK SALOMON.

RECEIVER OF PUBLIC MONEYS:

MOSES M. BANE.

REGISTER OF THE LAND OFFICE:

JNO. B. NEIL.

UNITED STATES REVENUE COLLECTOR:

O. J. HOLLISTER.

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LAWS
OF THE
TERRITORY OF UTAH,

PASSED AT THE

TWENTY-FOURTH SESSION OF THE LEGISLATIVE ASSEMBLY,

1880.

CHAPTER I.

OF FEES.

AN ACT Prescribing Fees for the Secretary of Utah Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That from and after the passage of this Act, the fees of the Secretary of Utah Territory shall be as follows: For each commission issued to a Probate Judge, Mayor, Alderman or Justice of the Peace, one dollar (\$1.00). For each certificate of qualification of any officer, one dollar (\$1.00). For each commission issued to a Notary Public, two dollars (2.00). For filing papers of incorporations, three dollars (\$3.00). For each commission issued to a Commissioner of Deeds, five dollars (5.00). For any other commission, one dollar (1.00).

Fees of the
Secretary of
the Territory.

Approved January 23, 1880.

CHAPTER II.

OF RAILROADS.

AN ACT Empowering Railroad Corporations to Deed and Mortgage their Franchises and Property, and confirming such Conveyances heretofore made, and for other purposes.

Railroads have power to issue bonds and mortgage their property.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all railroad companies heretofore organized, or which may hereafter be organized, pursuant to the laws of this Territory, shall have power to issue bonds for such sum, or sums, and payable at such times and places, and drawing interest at such rates as they may deem proper; and they are severally empowered hereby to execute trust deeds, or mortgages, or both, upon the whole or any part of their railroad lines, property, franchises, incomes and profits, acquired or to be acquired, to secure the payment of such bonds and interest; and if such bonds are sold below their par value, they shall be binding and valid, according to their terms.

A trust deed or mortgage to be a valid lien upon all property mentioned.

SEC. 2. Any trust deed or mortgage made upon the lands, roads, or other property of any such railroad company shall bind, and be a valid lien upon, all the property mentioned in such deed or mortgage, including rolling stock, machinery, and other personal property; and a purchaser at a foreclosure sale, or under a trust deed, shall have and enjoy all the rights of a purchaser at an execution sale.

The trust deed or mortgage may cover property thereafter acquired.

SEC. 3. Such trust deeds or mortgages may, by their terms, include and cover, not only the property of the company making them at the date of execution thereof, but property of every kind which may thereafter be acquired by such company, together with the material and property necessary for the repair, use and operation of such road, and the same, when so stated, shall be as valid and binding, and as effectual to pass the property as it would be were it in the possession of such company at the time of the execution of such instrument.

Every deed or mortgage to be recorded in every County, etc.

SEC. 4. Every deed or mortgage made by any railroad company, organized as aforesaid, shall be recorded in the office of the County Recorder of each organized county through which such road shall run, in this Territory and in

any county where it may hold lands subject to such deed or mortgage; and such record shall be notice, to the whole world, of the rights of all parties having interest under the same; and for this purpose, and to secure the rights of the mortgagees, or parties interested under such mortgages or trust deeds, so executed and recorded, or to be executed and recorded, the rolling stock, machinery, personal property and material necessary for the operation and repairs of the road of such company, belonging to the same and appertaining thereto, shall be deemed fixtures on, and a part of, the road; and such mortgages, or trust deeds, so recorded, shall have the same effect, both as to notice and otherwise, as they have to the real estate covered by them, notwithstanding the fact that the possession of such property remain with the mortgagers.

The record shall be notice of the rights of parties.

Rolling stock, personal property, part of the road.

SEC 5. Every deed of trust, or mortgage, heretofore executed by any railroad corporation, organized pursuant to the laws of this Territory, is hereby declared valid, legal and binding, to the full extent and scope of the terms and conditions of such deed or mortgage; and the record of such instruments, heretofore made in the county records of the several counties, into, or through, which such road passes, shall be deemed, and is hereby declared, to impart notice to all the world of the contents of such deeds or mortgages, and of the rights of those claiming under them; and they shall, in every particular, be as effectual security as if executed and recorded after the approval of this act.

Deed of trust, mortgage heretofore executed declared valid.

The record to be notice of the right of parties.

SEC. 6. Railroad corporations may be formed pursuant to the laws of this Territory, for the purpose of buying any railroad property situated therein, when the same is to be sold under trust deed, mortgage, or private sale; and any railroad corporation heretofore formed pursuant to the laws of this Territory, which had for its purpose the purchase of railroad property already constructed, is hereby declared a valid corporate body, and any purchase of railroad property by such corporation, that was sold pursuant to trust deed, mortgage, judgment and decree of court, or private sale, is hereby made valid and binding.

Corporations may be formed for purchase of roads.

Purchases of Railroad property declared valid.

SEC. 7. This act shall be in force and take effect from and after its passage.

Act takes effect, when.

Approved February 6, 1880.

CHAPTER III.

OF TRANSITORY HERDS.

AN ACT providing for equalizing Taxes on Transitory Herds.

Taxes on
Transitory
herds of
stock, how
collected.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That where bands of horses, or mules, or both, and herds of cattle, or sheep, are wintered in one county, and taken into another county to summer, the taxes on such stock shall be assessable and collectible in either county, and the County Court of the county where such assessment and collection may have been made, shall cause to be remitted to the County Treasurer of such other county one-half of the county taxes so collected, after deducting therefrom the percentage allowed in such county for assessing and collecting said taxes, upon application therefor by the County Court of such other county so interested.

Act of Feb.
22, 1878, re-
pealed.

SEC. 2. An Act providing for equalizing taxes on transitory herds of stock in this Territory, approved February 22, 1878, is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

Approved February 10, 1880.

CHAPTER IV.

CREATING EMERY COUNTY.

AN ACT Creating Emery County.

Boundaries
of Emery
County.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that portion of the Territory of Utah bounded as follows, to wit: Com-

mencing at a point where parallel 38°30' north latitude crosses Green River, thence west along the said parallel, to a point six miles west of the first guide meridian east of the Salt Lake meridian, thence north along the township line between ranges five (5) and six (6) east, to the third standard parallel south, thence east to the first guide meridian, thence north along said first guide meridian to the township line between townships eleven (11) and twelve (12) south; thence east along the last mentioned township line to Green River, thence down the main channel of Green River to the place of beginning, is hereby made and named Emery County, with county seat at Castle Dale; which county is hereby attached to and made part of the First Judicial District.

County Seat.

SEC. 2. For the purpose of organizing said county, the following officers are hereby appointed: Samuel Jewks, Probate Judge; Elias Cox, Jasper Petersen and William Taylor, Selectmen; who shall qualify by taking an oath of office, conditioned for the faithful performance of the duties thereof. They shall enter upon the duties of their respective offices on the second Monday in March, A. D. 1880, appoint a County Clerk and organize a County Court, and when so organized, shall appoint all county officers necessary for the full and complete organization of said County, and the transaction of all business matters therein, who shall, before entering upon the duties of their offices, qualify as the law directs. Said Court shall define the boundaries of precincts, appoint judges of election, and otherwise provide for an election to be held at the time of the general election in the year 1880; said election shall be held, conducted and returns thereof made, in accordance with the election laws of Utah; *Provided*, That the voters at said first election need not be registered.

Officers, when to assume their duties.

At first election voters need not be registered.

SEC. 3. The Probate Judge, Selectmen and all other officers appointed under the provisions of this Act, shall hold their offices until the first general election, and until their successors are elected and qualified.

Length of term of officers by this Act.

SEC. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Conflicting Provisions of Law repealed.

Approved February 12, 1880.

CHAPTER V.

OF OPIUM.

AN ACT prohibiting the Smoking and Chewing of Opium.

No person to establish or keep a house for smoking of Opium.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person who shall establish, or keep, a house wherein opium is smoked, or chewed, by others than the members of his family, and any person who shall sell, or give, to another, not a member of his family, in the house where his family shall live, any opium to be smoked, or chewed, whether in a house kept or used for such purposes, or elsewhere, shall be deemed guilty of a misdemeanor.

No Proprietor shall rent any house for the use of Opium.

SEC. 2. Where a proprietor, or landlord, shall rent any house, knowing that it is intended to be used for any of the purposes mentioned in section 1 of this act, and it shall be so used, such proprietor, or landlord, shall be deemed guilty of a misdemeanor.

Use of Opium prohibited.

SEC. 3. Any clerk, servant, or employe, in any such house, who may aid in such use of opium, and every person resorting thereto, who shall so use opium by smoking or chewing it, shall be deemed guilty of a misdemeanor.

Approved February 12, 1880.

CHAPTER VI.

OF BONDS OF AUDITOR OF PUBLIC ACCOUNTS.

AN ACT defining the amount of the Bonds of the Auditor of Public Accounts and Territorial and County Treasurers.

Oath of Office and bond of the Auditor of Public Accounts.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the Auditor of Public Accounts shall, before entering upon the duties of

his office, take and subscribe an oath to support the Constitution of the United States and the laws of this Territory, and to faithfully discharge the duties of his office, and shall give a bond to the Territory of Utah, in such sum not exceeding the whole amount of the revenue of the Territory for the year next preceding his election, nor less than one-half thereof; and with such sureties as the Probate Judge of Salt Lake County shall determine and approve, conditioned for the faithful performance of the duties of said office, which oath of office and bond shall be filed with the said Probate Judge.

SEC. 2. The Territorial Treasurer shall, before entering upon the duties of his office, take and subscribe an oath to support the Constitution of the United States and the laws of this Territory, and to faithfully discharge the duties of his office, and shall give a bond to the Territory of Utah in such sum not exceeding the whole amount of the revenue of the Territory for the year next preceding his election, nor less than one-half thereof; and with such sureties as the Auditor of Public Accounts and the Probate Judge of Salt Lake County shall determine and approve, conditioned for the faithful performance of the duties of said office; which oath of office and bond shall be filed with the Auditor of Public Accounts.

Oath of Office
and bond of
the Territorial
Treasurer.

SEC. 3. Section two hundred and twelve (212) of the Compiled Laws of Utah is hereby amended by striking out the last five lines of said section and inserting in lieu thereof the following words: A bond to the county for which he has been elected Treasurer, in such sum not less than the whole amount of the revenue of the county for the year next preceding his election, and with such sureties as the Probate Judge of the county shall determine and approve, conditioned for the faithful performance of the duties of said office; which oath of office and bond shall be filed in the office of said Probate Judge.

Sec. 212 of
Compiled
Laws amended.

Bond of
County
Treasurers.

Approved February, 16, 1880.

CHAPTER VII.

OF FOUL BROOD IN BEES.

AN ACT for the Protection of Bee Culture.

Inspectors of
bees to be ap-
pointed.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That it shall be the duty of the County Court of each county, to appoint from among the bee-keepers of the county, one or more suitable persons as Inspectors of bees.

When ap-
pointed, term
of office, how
to qualify
and amount
of bonds.

SEC. 2. These Inspectors shall be appointed biennially, viz: On the first Monday in March of each alternate year, or at the first regular sitting of the court thereafter, and shall perform the duties of Bee Inspectors for two years, and until their successors are appointed and qualified. Said Inspectors shall qualify by taking and subscribing an official oath, and giving bonds with sureties to be approved by their respective County Courts, and said bonds to be filed with the clerks of said courts.

Inspectors,
fitness of, how
determined.

SEC. 3. In determining the fitness of a person to fill the position of Inspector, the court may be guided by the wishes of the majority of the bee-keepers owning or keeping bees in their respective counties, and it shall be deemed lawful for any Inspector, if he so desires, to invite one or more persons to assist him in prosecuting his inspections; *Provided*, that no charge is made for this voluntary service.

Foul brood in
bees, when to
inspect, etc.

SEC. 4. In the complaint of any person to the effect that in his opinion the disease known as foul brood exists among the bees of any person or persons, whether owners or custodians, it shall be the duty of the Inspector residing nearest to where the foul brood is suspected to exist, to immediately inspect the bees believed thus to be infected, and if said Inspector finds that foul brood does exist, he shall there and then instruct said bee-keeper to wholly destroy said bees and hives in which it is found, by immediately burning or burying them.

Bee-keepers
must destroy
foul brood,
when dis-
covered.

SEC. 5. If a bee-keeper, by his own inspection, or through any source other than through a duly appointed Inspector, discovers foul brood in his apiary, it shall be his duty to wholly destroy the hives affected as provided for in Section 4 of this act, failing to do which he will be held liable to the penalties hereinafter imposed.

SEC. 6. If the bee-keeper in whose colony the foul brood is discovered, either by himself or an Inspector, does not immediately wholly destroy said diseased bees and hive in the manner above provided, on the complaint of an inspector or other competent person before the nearest Justice of the Peace of the precinct in which said bee-keeper keeps his bees, and on sufficient and lawful proof he shall be held liable to a fine not less than five dollars (\$5), nor to exceed twenty-five dollars (\$25), for the first offense, and for each additional offense he shall be liable to a fine not to exceed fifty dollars (\$50).

Penalty for failure to comply with provisions of this Act.

SEC. 7. To provide for the prosecution of the duties of Bee Inspectors of under this Act, the County Courts are hereby authorized to appropriate such sums as may be necessary for these purposes out of the revenues of the several counties.

County Courts to appropriate for necessary expenses

Approved February 16, 1880.

CHAPTER VIII.

OF ADJOURNMENT OF COURTS.

AN ACT providing for the adjournment of Courts in certain cases.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That whenever, by reason of sickness, or other unavoidable cause of absence of the Judge of any District Court of this Territory, no judge attend such Court on the day appointed, within five hours of the appointed time, the Marshal in attendance, or the Clerk of the Court, shall adjourn the Court until the next day at 10 o'clock; and if no Judge attend on that day, before noon, the said Marshal or Clerk shall adjourn the court until the following day; and so on, from day to day for five days. If no judge attend for five days, said Marshal or Clerk shall adjourn the court for the term.

Providing for adjournment of Courts in certain cases.

Approved February 17, 1880.

CHAPTER IX.

CREATING SAN JUAN COUNTY.

AN ACT providing for the organization of San Juan County, and Changing the Boundaries of Emery County.

Boundaries of
San Juan
County.

Changing
boundaries of
Emery
County.

Officers of San
Juan County.

When to as-
sume their
offices and
their duties.

At first elec-
tion voters
need not be
registered.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all those portions of the counties of Kane, Iron, and Piute, lying east of the main channel of the Colorado and Green Rivers, and south of parallel $38^{\circ}30'$ north latitude, are hereby made and named San Juan County, which is hereby attached to and made part of the Second Judicial District of this Territory. And all that portion of this Territory lying east of Green River and between the said parallel $38^{\circ}30'$, and a line running due east from the mouth of Price River to the summit of Brown Cliffs, thence following the summit of said Cliffs to the eastern boundary of Utah Territory, is hereby attached to and made part of Emery County.

SEC. 2. For the purpose of organizing San Juan County, the following officers are hereby appointed: Silas S. Smith, Probate Judge; Platte D. Lyman, Jens Nielsen, and Zachariah B. Decker, Selectmen; who shall qualify by taking an oath of office to faithfully perform the duties thereof. They shall hold said offices until the first annual election, and until their successors shall be elected and qualified. They shall commence the duties of their offices by proceeding on or before the first Monday in May, 1880, to organize and to appoint a Clerk and an Assessor and Collector, and such other officers as may be necessary to serve until the regular election. They shall establish the boundaries of precincts, and designate voting places, and appoint judges of election, and give notice of the regular annual election to be held and conducted according to the laws of the Territory; *Provided*, That at said first election the voters need not be registered as required by law. At said first election candidates for all territorial, county and precinct officers made elective by law shall be placed in nomination, and those receiving the highest number of votes shall be entitled to serve the term prescribed by law.

SEC. 3. The county seat shall be located at such point as may receive the highest number of votes therefor, which shall be ascertained and certified to by the officers of the County Court who shall count the votes cast at said election.

Location of
county seat.

SEC. 4. All Acts and parts of Acts conflicting herewith are hereby repealed.

Conflicting
provisions of
law repealed.

Approved February 17, 1880.

CHAPTER X.

CREATING Uintah County.

AN ACT providing for the organization of Uintah County, and defining the Boundaries thereof.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that portion of the Territory of Utah embraced within the following boundaries, to wit: Commencing at the northeast corner of Utah Territory, on the Colorado line, thence west to the one hundred and tenth (110th) meridian, thence south to the main channel of Green River, thence down said river to the north line of Emery County, thence easterly along said line to where it strikes the Colorado line, thence north along said line to the place of beginning, is hereby made and named Uintah County, with county seat at Ashley, which county is hereby attached to and made part of the First Judicial District of this Territory.

Boundaries of
Uintah
County.

County seat.

SEC. 2. For the purpose of organizing said County, the following officers are hereby appointed: Jeremiah Hatch, Probate Judge; Pardon Dodds, Thomas Bingham and Isaac Burton, Selectmen; who shall qualify by taking an oath of office to faithfully perform the duties thereof. They shall hold said offices until the first annual election, and until their successors shall be elected and qualified. They shall commence the duties of their offices, by proceeding, on or before the first Monday in May, 1880, to organize, and to appoint a Clerk and an Assessor and Collector, and such other officers as may be necessary to serve until the regular election. They shall establish the boundaries of precincts, and designate voting places, and appoint judges of election,

Officers, term
of office, and
their duties.

At first election voters need not be registered.

and give notice of the regular annual election to be held and conducted according to the laws of the Territory; *Provided*, That at said first election the voters need not be registered as required by law. At said first election candidates for all territorial, county and precinct officers made elective by law, shall be placed in nomination, and those receiving the highest number of votes shall be entitled to serve the term prescribed by law.

Conflicting provisions of law repealed.

SEC. 3. All Acts and parts of Acts conflicting herewith are hereby repealed.

Approved February 18, 1880.

CHAPTER XI.

OF REWARD TO CONVICTS.

AN ACT allowing Reward to Convicts and Commuting their Term of Sentence for Meritorious Conduct.

Convicts in Penitentiary to be allowed earned time for good behavior.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That, in order that good behavior on the part of convicts may be properly rewarded, the Warden of the Penitentiary in this Territory shall keep a correct daily record of the conduct of each convict imprisoned therein, showing his faithful observance of the rules of discipline of said Penitentiary, and general conduct therein, specifying in such record each infraction of the rules of discipline; and at the end of each month of imprisonment enter briefly on such record a certificate of good conduct for the past month, in favor of each convict against whom no infraction of the rules of discipline is entered during said month; and on the first day of each month announce such result to the convicts, and each convict therein imprisoned who is sentenced for a definite time, if for three months, and less than life, shall be entitled to diminish the period of his sentence, and be restored to his citizenship, as hereinafter provided.

Amount of earned time to be allowed.

SEC. 2. For each month of the imprisonment of the convict, commencing on the first day after his arrival at the Penitentiary, during which he has not been guilty of a violation or infraction of the rules of discipline thereof, he shall be allowed a deduction of five days from the period of his sentence. At any time after a convict has passed one

full year of his sentence, in which he has not been guilty of a violation of any of the rules of discipline of the Penitentiary, the deduction shall be seven days from the period of his sentence for each month. After he shall have passed two full years as above, the deduction in his sentence shall be nine days for each month. After he shall have passed three or more full years as above, deduction shall be ten days for each month.

SEC. 3. The Warden of the Penitentiary is hereby authorized, empowered and required to grant and enter up in his record, in favor of such convicts, as he may deem worthy for meritorious conduct, and observance of the rules of discipline during the twelve months prior to the passage of this act, a credit not exceeding sixty days to be deducted from the term of their imprisonment.

Warden has power to credit earned time twelve months preceding passage of this Act.

SEC. 4. For every violation of the rules of discipline, the convict shall not only forfeit all gained time for the month in which the delinquency occurs, but according to the aggravated nature or frequency of his offenses, the Warden or other officer in charge may deduct a portion or all of his previously earned time; and such convict shall not be entitled to any diminution of his term of imprisonment on account of his previously gained time. *Provided* That any convict feeling himself aggrieved and unjustly deprived of such earned or gained time, he may appeal in writing to the Governor of the Territory, stating his reasons or evidence in support thereof, and the said Governor may have such time credited back to the said convict if satisfied that he has been unjustly deprived of the same.

When time is forfeited.

Convict has right of appeal to the Governor of the Territory.

Governor has power to restore earned time.

SEC. 5. When the full term of imprisonment for which any convict has been sentenced by the court shall be diminished, by his good conduct, under the provisions of this Act, so that the term of imprisonment has thereby expired, the Warden or other officer in charge of the Penitentiary, shall immediately furnish the Governor a certificate stating the length of time his term of imprisonment has been so diminished by good conduct, and furnish a copy of such certificate to the prisoner benefitted thereby, which shall entitle him to a pardon and a restoration to his citizenship.

Warden to furnish certificate for earned time to the Governor.

Prisoner to be restored to citizenship.

SEC. 6. At the end of every three months, the Warden or other officer in charge of the Penitentiary, shall report to the Governor of this Territory the names of all persons who may have become entitled to the benefits of this Act, with the amounts of total credits to the date of such report, the term of their sentences, the date of imprisonment, and the date when their term of imprisonment would expire by the diminution and commutation provided for in this Act.

Warden to make report every three months.

Approved February 18, 1880.

CHAPTER XII.

OF COMPILED LAWS.

AN ACT amending Section Ten Hundred and Twenty (1020) of the
Compiled Laws of Utah.

Sec. 1020 of
Compiled
Laws amend-
ed.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section ten hundred and twenty (1020) of the Compiled Laws of Utah is hereby amended by inserting after the word "by," and before the word "gift," in the fourth line of said section, the word "purchase."

Approved February 18, 1880.

CHAPTER XIII.

OF SPECIAL ELECTIONS.

AN ACT amending An Act to provide for Special Elections to fill vacancies, Approved February twenty-second (22), eighteen hundred and seventy-eight (1878).

Sec. 2 of Act
approved
Feb. 22, 1878,
repealed.

Vacancy in
offices of Pro-
bate Judge
and Justices
of the Peace,
now filled.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section two (2) of an Act to provide for Special Elections to fill vacancies, approved February twenty-second (22), eighteen hundred and seventy-eight (1878), is hereby repealed and the following substituted in lieu thereof: Section (2). In case of a vacancy by the death, resignation or other disability of any Probate Judge, or Justice of the Peace in any county in this Territory, it shall be the duty of the Probate Judge, or in case of his death or disability, any two of the Selectmen of such county, within twenty days after receiving information thereof, to order a special election to fill such

vacancy in the county or precinct where such vacancy shall have occurred. In case of a vacancy by the death, resignation, or other disability of any county or precinct officer, except Probate Judge or Justice of the Peace, made elective in any county in this Territory, it shall be the duty of the County Court in such county to fill such vacancy by appointment; *Provided*, That each person elected or appointed to any county or precinct office shall qualify, as by law required, within twenty days after receiving notice of his election or appointment, and all persons re-elected to any office, thereby becoming their own successors, shall, when so elected, give bonds, qualify and be commissioned by the Governor, as in other cases required by law.

Vacancies in other offices, how filled.

Persons re-elected must qualify and be commissioned.

SEC. 2. That section three (3) of said Act is hereby amended by inserting the words "or appointed" between the words "elected" and "to" in the first line of said section.

Sec. 3, of Act of Feb. 22, 1878, repealed.

CHAPTER XIV.

APPORTIONING THE WATERS AND ISLANDS OF GREAT SALT LAKE.

AN ACT apportioning the Waters and Islands of Great Salt Lake to the Counties bordering thereon, and extending the northern boundary of Salt Lake County.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that portion of the Territory bounded south by Utah County, west by the summit of the range of mountains between Great Salt Lake and Tooele Valleys, and a line running northwesterly from the northern termination of said summit, through Black Rock, on the south shore of Great Salt Lake, to a point in said lake where it intersects the base line of the United States survey, Salt Lake meridian, thence northeasterly and equidistant between Antelope Island and the south shore of Great Salt Lake, to a point on the west line of township two (2), north range one (1), west, due west from the mouth of Jordan River, thence due east to the mouth of Jordan River, thence up the center of the channel of said river to

Boundaries of Salt Lake County.

the north boundary line of Salt Lake City corporation, thence east along said line till it intersects the summit of the spur range, terminating at the Hot Springs, in said city, thence along the summit of said spur range to its intersection with the summit of the Wasatch mountains, and east by the summit of said mountains, shall be known and designated as Salt Lake County, with county seat at Salt Lake City.

County seat.

Boundaries of
Davis County.

SEC. 2. All that portion of the Territory bounded south by Salt Lake County, west and north by a line commencing at the northwest corner of Salt Lake County, on the base line of the United States survey, Salt Lake meridian, running thence in a northwesterly direction to a point equidistant and immediately between a point on the west shore of Great Salt Lake, where it is intersected by latitude forty-one (41) degrees north, and a point on the east shore of said lake, where it is intersected by a line running due west from the center of the channel of Weber River, due north from the northwest corner of Kingston's Fort, thence northeasterly to said point on the east shore of Great Salt Lake, thence due east to said point in the center of the channel of Weber River, due north from the northwest corner of Kingston's Fort, thence up the center of said channel to a point opposite the summit of the Wasatch Mountains, and east by the summit of said mountains, shall be known and designated as Davis County, with county seat at Farmington.

County seat.

Boundaries of
Weber
County.

SEC. 3. All that portion of the Territory bounded south by Davis County and the dividing ridge between Ogden Hole and Weber Valley, west by a line commencing at the northwest corner of Davis County, in said lake, and running in a northeasterly direction, to a point on the west line of township seven (7) north, range three (3) west, Salt Lake meridian, due west from the Hot Springs by the territorial road north of Ogden City, north, commencing at the last mentioned point and running due east to the said Hot Springs, thence by the summit of the spur range, terminating at said Hot Springs, to its intersection with the summit of the Wasatch Mountains, east by the summit of said mountains, passing around the head waters of Ogden River, shall be known and designated as Weber County, with county seat at Ogden City.

County seat.

Boundaries of
Box Elder
County.

SEC. 4. All that portion of the Territory bounded south by Weber County, and a line commencing at the southwest corner of said Weber County, and running to a point on the west shore of Great Salt Lake, where it is intersected by latitude forty-one (41) degrees north, thence by said latitude to the western boundary of Utah, west by Nevada, north by Idaho, and east by the summit of the range of mountains

east of Malad Valley, crossing Bear River at the center of its lower cañon, and thence southerly along the summit of the Wasatch Mountains, and passing around the head waters of Box Elder and Willow Creeks, shall be known and designated as Box Elder County, with county seat at Brigham City. County seat.

SEC. 5. All that portion of the Territory bounded south by Juab County, west by Nevada, north by Box Elder County, and east by Davis, Salt Lake and Utah Counties, shall be known and designated as Tooele County, with county seat at Tooele City. Boundaries of Tooele County.
County seat.

SEC. 6. Sections one hundred and fifty-four (154), one hundred and fifty-five (155), one hundred and fifty-six (156), one hundred and fifty-seven (157), one hundred and fifty-eight (158), and one hundred and fifty-nine (159), of the Compiled Laws of Utah, are hereby repealed. Sections 154, 155, 156, 157, 158 and 159 of Compiled Laws repealed.

Approved February 18, 1880.

CHAPTER XV.

OF THE MANUFACTURE OF SUGAR.

AN ACT to encourage the Manufacture of Sugar in the Territory of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the sum of two thousand dollars is hereby appropriated out of the territorial treasury, to be drawn upon warrants of the Auditor of Public Accounts, who shall issue said warrants upon the order of John Clark, George E. Bourne and Samuel P. Teasdel, of Salt Lake City, Utah, who shall accompany their order with a duly signed certificate, setting forth that the party or parties in whose favor said order shall be drawn, has fully complied with the provisions of this Act. \$2,000 appropriated as a reward for production of raw sugar.

SEC. 2. The said John Clark, George E. Bourne and Samuel P. Teasdel, are hereby appointed and constituted an Awarding Committee, to determine who shall be entitled to receive the above mentioned two thousand dollars, which is hereby given as a premium, to be paid to the party or parties who shall, on or before the fifteenth day of November, eighteen hundred and eighty, place in Salt Lake City, Commission to award premiums to manufacturers of raw sugar.

Premium
may be di-
vided with
two or more
persons.

Vacancies in
Commission,
how filled.

Utah, subject to the inspection of said Committee, in suitable and convenient packages of one hundred pounds each, seven thousand pounds of sugar, manufactured in Utah Territory out of raw material produced in said Territory, and who shall by said Committee be declared to have produced and presented for inspection as aforesaid, the seven thousand pounds of sugar, superior to all others entered in the competition; *Provided*, That should there be entered two or more best lots of sugar of nearly equal quality, the Committee may award the said amount of two thousand dollars to the producers of the two or more best lots of sugar in such sums as the said committee may deem just and equitable.

SEC. 3. Should any vacancy occur in said Committee by unwillingness or disability to Act, upon application of any one or more of the competitors for said premium, the Probate Judge of Salt Lake County is hereby authorized and required to appoint others to fill said vacancies; said appointees shall have the same power as is herein conferred upon the aforesaid Committee.

Approved February 18, 1880.

CHAPTER XVI.

OF THE BOUNDARIES OF SANPETE, UTAH AND WASATCH COUNTIES.

AN ACT Changing the Boundaries of Sanpete, Utah and Wasatch Counties.

Sec. 151, of
Compiled
Laws, re-
pealed.

Boundaries of
Sanpete
County.
County seat.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*: That section one hundred and fifty-one (151) of the Compiled Laws of Utah is hereby repealed, and the following enacted in lieu thereof: All that portion of the Territory bounded south by Sevier County, west by Millard and Juab Counties, north by the township line between townships eleven and twelve south, and east by Emery County, is hereby made and named Sanpete County, with county seat at Manti.

SEC. 2. All that portion of country lying north of Sanpete County, and west of a line running due south to

Emery County line, from a point where the present wagon road leading from Spanish Fork to White River crosses the summit of the divide between Spanish Fork and White rivers, is hereby attached to and made a part of Utah County.

Territory added to Utah County.

SEC. 3. All that portion of country formerly belonging to Sanpete County, lying east of Utah County and north of Emery County, is hereby attached to and made a part of Wasatch County.

Territory added to Wasatch County.

SEC. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Conflicting provisions of law repealed.

Approved February 18, 1880.

CHAPTER XVII.

OF COMPILED LAWS.

AN ACT amendatory of, and supplemental to Chapter IV, Title XI, Compiled Laws of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*: That section 529 of the Compiled Laws of Utah is hereby amended by striking out the word "six" in the third line of said section, and inserting the word "five" in lieu thereof.

Sec. 529 Compiled Laws, amended.

SEC. 2. Section 530 is hereby amended by striking out the word "four" in line two of said section, and inserting the word "three" in lieu thereof; by striking out the words "twenty-five" in line nine, and inserting the word "fifty" in lieu thereof; and by striking out the words "twenty-five" in line twenty-seven, and inserting the word "ten" in lieu thereof.

Sec. 530, amended.

SEC. 3. Section 531 is hereby amended by adding thereto the following: And in case of mining, smelting, milling, banking, railroad and telegraph corporations, and corporations proposing to do business outside of this Territory, a certified copy of said agreement, and oath or affirmation, and of the certificate of incorporation provided for in section 533, shall also be filed with the Secretary of the Territory. All other corporations may so file their articles and certificate of incorporation, if they so elect.

Sec. 531, amended.

Corporations must file articles of agreement with the Secretary of Territory.

SEC. 4. Section 532 is hereby amended by striking out the words "and recorded" at the end of said section.

Sec. 532, amended.

Sec. 533,
amended.

SEC. 5. Section 533 is hereby amended by adding at the end of said section the following: And such certificate, or a copy thereof, certified by the clerk of the Probate Court, or the Secretary of the Territory, shall be prima facie evidence of the due incorporation of such association.

Sec. 534,
amended.

SEC. 6. Section 534 is hereby amended by inserting after the word "increase" in line sixteen the words "or diminish."

Sec. 535,
amended,

Corporations
may increase
or diminish
Capital stock.

May change
their name
and articles
of agreement.

Manner in
which change
shall be made

SEC. 7. Section 535 is hereby amended by striking out the first six lines and including the word "dollars" in the seventh line of said section, and inserting in lieu thereof the following: The capital stock of any corporation now existing, or that may hereafter be organized by or under the laws of this Territory, may be increased by the sale of more shares, or by increasing the par value of the shares, or otherwise, to any amount not exceeding twenty millions of dollars; or such capital stock may be diminished by decreasing the par value of shares, the purchase and cancellation of shares, or otherwise, to any amount not less than twenty-five per cent. in excess of the indebtedness of the corporation; the name of such corporation may be altered, the number of its directors, trustees, or officers, be changed by making the number greater or less (but in no case shall the number of said trustees, or directors, be less than three nor more than thirteen), the articles of agreement or incorporation may be otherwise changed or amended, *Provided*, Such amendment does not alter the original purpose of the corporation. But no such change shall be made except by a vote representing at least two-thirds of the capital stock at a stockholders' meeting called for that purpose in the following manner: Notice shall be given by the President, or Secretary, or the Board of Directors or Trustees, of such corporation in some newspaper printed in the English language, and having a general circulation in the county where the corporation has its principal place of business in this Territory, for at least twenty-one days, stating the nature of the proposed change of amendment and the time and place of such meeting; such change, or amendment, when adopted, shall be signed by the President and Secretary of such corporation, and be filed and recorded by the same officer as were the original articles of incorporation, and in case of mining, smelting, milling, banking, railroad and telegraph corporations, and corporations proposing to do business outside of this Territory, shall also be filed with the Secretary of the Territory, and a copy thereof certified by the Clerk of the Probate Court, or the Secretary of the Territory, shall be evidence as provided in section 545 of the Compiled Laws, as amended by this Act.

SEC. 8. Section 545 is hereby amended by inserting after the word "court" in line five of said section, the following: And the duty of the Secretary of the Territory in like manner to give transcripts under the seal of the Territory of the papers filed in his office.

Secretary of Territory to give transcript of paper under seal of Territory.

SEC. 9. The Secretary of the Territory shall be entitled to the same fee as compensation for services performed under this Act as are allowed by law for like services by County Recorders or Clerks of the Probate Courts.

Fees of the Secretary of the Territory.

SEC. 10. All associations incorporated, or purporting to be incorporated, under Chapter IV, Title XI, of the Compiled Laws of Utah, which have heretofore, filed, acknowledged, verified and recorded their articles of agreement, or incorporation, in any county of this Territory, shall be established and confirmed as corporations from the time of the organization thereof, as fully as if said articles were acknowledged, verified, filed and recorded in the county of the principal place of business of said incorporation, upon the filing by such incorporation of certain copies of its articles and certificate of incorporation with the Secretary of the Territory, and with the Probate Judge of the county of this Territory in which its principal office or place of business is situated.

Method of validating defection organizations.

SEC. 11. All corporations not organized under the laws of Utah, now doing business in this Territory, shall, within sixty days after the passage of this Act, and all other foreign corporations within sixty days after commencing business in this Territory, file with the Secretary of the Territory, and with the Probate Judge of the county wherein their principal office in this Territory is situated, certified copies of their articles and certificate of incorporation and by-laws, and in case of alteration and amendment of said articles or by-laws thereafter, shall file certified copies of such alteration or amendment with each of said officers, within thirty days after its adoption. Such corporations shall also, within sixty days after commencing business in this Territory, designate some person, residing in the county in which its principal place of business in this Territory is situated, upon whom process issued by authority, or under any law of this Territory, may be served, and shall file such designation with the Probate Judge of said county, and with the Secretary of the Territory; and a copy of such designation, duly certified by either of said officers, shall be evidence of such appointment; and it shall be lawful to serve on such person so designated any process issued as aforesaid, and such service shall be deemed to be a valid service thereof. Any such corporation failing to comply with the provisions of this section, shall not be entitled to the benefits of the laws

Foreign Corporations, must file copies of their articles and certificate of incorporation with Secretary of Territory and Probate Judge.

Must designate some person upon whom legal process shall be served.

Penalty for failure to comply with this section.

of this Territory, limiting the time for the commencement of civil actions.

Directors of corporations have power to make assessments.

SEC. 12. The directors of any corporation formed or existing under the laws of this Territory after one-fourth of its capital stock has been subscribed, may, for the purpose of paying expenses, conducting business, or paying debts, levy and collect assessments upon the subscribed capital stock thereof, in the manner and form and to the extent hereinafter provided.

Amount of assessment.

SEC. 13. No assessment shall exceed ten per cent. of the amount of the capital stock named in the articles of incorporation, except in the cases in this section otherwise provided for as follows: First—If the whole capital of a corporation has not been paid up, and the corporation is unable to meet its liabilities, or to satisfy the claims of its creditors, the assessment may be for the full amount unpaid upon its capital stock; or if a less amount be sufficient, then it may be for such a percentage as will raise that amount. Second—The directors of railroad corporations may assess the capital stock in instalments of not more than ten per cent. per month, unless the articles of incorporation otherwise provide. Third—The directors of insurance corporations may assess such a percentage of the capital stock as they deem proper.

No assessment shall be levied while another remains unpaid except, etc.

SEC. 14. No assessment shall be levied while a portion of a previous one remains unpaid, unless: First—The power of the corporation has been exercised in accordance with the provisions of this Act for the purpose of collecting such previous assessment. Second—The collection of the previous assessment has been enjoined; or, Third—The assessment falls within the provisions of either the first, second or third subdivisions of section 13 of this Act.

Amount of assessments must be stated, when and to whom payable.

SEC. 15. Every order levying an assessment must specify the amount thereof, when, to whom, and where payable; fix a day subsequent to the full term of the publication of the assessment notice, on which the unpaid assessments shall be delinquent, not less than thirty nor more than sixty days from the time of making the order levying the assessment; and a day for the sale of delinquent stock, not less than fifteen nor more than sixteen days from the day the stock is declared delinquent.

Form of notice of assessment.

SEC. 16. Upon making the order, the Secretary shall cause to be published a notice thereof, in the following form: (Name of corporation in full. Location of principal place of business.) Notice is hereby given, that at a meeting of the directors, held on (date), an assessment of (amount) per share was levied upon the capital stock of the

corporation, payable (when, to whom and where). Any stock upon which this assessment may remain unpaid on the (day fixed), will be delinquent and advertised for sale at public auction, and unless payment is made before, will be sold on the (day appointed) to pay the delinquent assessment, together with costs advertising and expenses for sale. (Signature of Secretary, with location of office).

SEC. 17. The notice must be served personally on each stockholder, or, in lieu of personal service, must be sent through the mail, addressed to each stockholder at his place of residence, if known, and if not known at the place where the principal office of the corporation is situated, and be published once a week for four successive weeks, in some newspaper of general circulation, published in Salt Lake City, and also in some newspaper published in the county where the works of the corporation are situated, if a paper be published therein.

Notice of
assessment,
how given.

SEC. 18. If any portion of the assessment mentioned in the notice remain unpaid on the day specified therein for declaring the stock delinquent, the secretary shall, unless otherwise ordered by the board of directors, cause to be published in the same papers in which the notice hereinbefore provided for shall have been published, a notice substantially in the following form: (Name of corporation in full. Location of principal place of business.) Notice.—There are delinquent upon the following described stock, on account of assessment levied on the (date), (and assessments levied previous thereto if any), the several amounts set opposite the names of the respective shareholders as follows: (Names, number of certificates, number of shares, amount.) And in accordance with law (and order of the board of directors made on the (date) if any such order shall have been made) so many shares of each parcel of such stock as may be necessary, will be sold at the (particular place) on the (date) at (the hour) of such day to pay delinquent assessments thereon, together with the costs of advertising and expenses of the sale.

Form of
notice de-
claring stock
delinquent.

SEC. 19. The notice must specify every certificate of stock, the number of shares it represents, and the amount due thereon, except where the certificates may not have been issued to parties entitled thereto, in which case the number of shares and amount due thereon, together with the fact that the certificates for such shares have not issued must be stated.

What the
notice must
state.

SEC. 20. The notice, when published in a daily paper, must be published for ten days, excluding Sundays and holidays, previous to the day of sale. When published in a

How long
notice must
be published.

weekly paper, it must be published in each issue for two weeks previous to the day of sale. The first publication of all delinquent sales must be at least fifteen days prior to the day of sale.

Publication of notice gives corporation power to sell stock.

Amount to be sold.

Stock must be sold to highest bidder for cash.

SEC. 21. By the publication of the notice the corporation acquires jurisdiction to sell and convey a perfect title to all of the stock described in the notice of sale upon which any portion of the assessment, or costs of advertising, remains unpaid at the hour appointed for the sale, but must sell no more of such stock than is necessary to pay the assessments due and costs of advertising and sale.

SEC. 22. On the day, at the place and at the time appointed in the notice of sale, the secretary shall, unless otherwise ordered by the board of directors, sell, or cause to be sold, at public auction, to the highest bidder for cash, so many shares of each parcel of the described stock as may be necessary to pay the assessment and charges thereon according to the terms of sale; if payment is made before the time fixed for sale, the party paying shall only be required to pay the actual costs of advertising in addition to the assessment.

Who is the highest bidder.

SEC. 23. The person offering at such sale to pay the assessment and costs for the smallest number of shares, or fraction of a share, is the highest bidder, and the stock purchased must be transferred to him on the stock-books of the corporation, on payment of the assessment and costs.

Corporation may bid in the stock.

SEC. 24. If at the sale of stock no bidder offers the amount of the assessments and costs and charges due, the same may be bid in and purchased by the corporation, through the secretary, president, or any director thereof, at the amount of the assessments, costs and charges due; and the amount of the assessments, costs and charges shall be credited as paid in full on the books of the corporation, and the entry of the transfer of the stock to the corporation shall be made on the books thereof. While the stock remains the property of the corporation it is not assessable, nor shall any dividends be declared thereon; but all assessments and dividends shall be apportioned upon the stock held by the stockholders of the corporation.

Such stock not assessable, nor entitled to dividends.

Corporation has legal title to stock purchased, but such stock cannot be voted.

SEC. 25. All purchases of its own stock vest the legal title to the same in the corporation; and the stock so purchased is held subject to the control of the stockholders, who may make such disposition of the same as they deem fit in accordance with the by-laws of the corporation, or vote of a majority of all the remaining shares. Whenever any portion of the capital stock of a corporation is held by the corporation, a majority of the remaining shares is a majority

of the stock for all purposes of election, or voting on any question at a stockholders' meeting.

SEC. 26. The dates fixed in any notice of assessment, or notice of delinquent sale, published according to the provisions hereof, may be extended from time to time for not more than thirty days, by order of the directors, entered on the records of the corporation; but no order extending the time for the performance of any act specified in any notice shall be effectual, unless notice of such extension, or postponement, is appended to and published with the notice to which the order relates.

Dates fixed for assessments or sales may be extended.

SEC. 27. No assessment is invalidated by a failure to make publication of the notices herein provided for, nor by the non-performance of any act required in order to enforce payment of the same; but in case of any substantial error or omission in the course of proceedings for collection, all previous proceedings, except the levying the assessment, are void, and publication must be begun anew.

Failure to publish notice does not invalidate assessment.

SEC. 28. No action shall be sustained to recover stock sold for delinquent assessments, upon the ground of irregularity or defect of the notice of sale, or defect or irregularity in the sale, unless the party seeking to maintain such action first pays or tender, to the corporation, or the party holding the stock sold, the sum for which the same was sold, together with all the subsequent assessments which may have been paid thereon, and interest on such sums from the time they were paid; and no such action shall be sustained unless the same is commenced by the filing of a complaint and the issuing of a summons thereon within six months after such sale was made.

No action to recover stock shall be sustained unless the amount realized from sale is first paid.

SEC. 29. The publication of notice required by this Act may be proved by the affidavit of the printer, foreman, or principal clerk of the newspaper in which the same was published; and the affidavit of the secretary, or auctioneer, shall be prima facie evidence of the time and place of sale, of the quantity and particular description of the stock sold, and to whom, and for what price, and of the fact of the purchase money being paid. The affidavits shall be filed in the office of the corporation, and copies of the same certified by the secretary thereof, shall be prima facie evidence of the facts therein stated. Certificates signed by the secretary and under the seal of the corporation shall be prima facie evidence of the contents thereof.

Publication of notice, how proved.

SEC. 30. Any person who is the holder of full paid up capital stock, shall be liable for any assessments, or for any indebtedness of the corporation, otherwise than by sale of his or her stock, as herein provided, unless distinctly pro-

No person liable for assessment, etc., except by sale of stock.

vided for in the articles of corporation, which articles, or incorporation, shall not be changed in this respect without the consent of all the stockholders, in writing.

SEC. 31. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved February 19, 1880.

Conflicting
acts repealed.

CHAPTER XVIII.

OF BONDS OF RECORDERS OF MINING DISTRICTS.

AN ACT Requiring Recorders of Mining Districts to give Bonds.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the Recorders of the several Mining Districts shall each take an oath of office and give a bond with approved securities in the penal sum of one thousand dollars, which bond shall be approved by and filed in the office of the Probate Judge of their respective counties.

SEC. 2. In cases where the Recorder of any mining district appoints a deputy, said Recorder shall be responsible for the official acts of said deputy.

Approved February 19, 1880.

Recorders of
mining dis-
tricts to give
bonds.

Recorder re-
sponsible for
the acts of his
deputy.

CHAPTER XIX.

DISTRICT SCHOOLS.

AN ACT providing for the Establishment and Support of District Schools and for other purposes.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the County

Courts shall divide their respective counties into School Districts, where not already so divided, number the same, prescribe limits, change the boundaries thereof, and may consolidate two or more school districts into one, should the public good so require; *Provided*, That where school districts have built school houses by a tax on the whole district, said district shall not be divided until equitable provision has been made for schoolhouses in the new districts to be organized. Settlers on or near county lines of two or more counties, may be formed into school districts by the mutual agreement of the County Courts of such counties. Every school district may, in the name of its trustees, purchase, hold, sell and convey property for the use and benefit of such districts; *Provided*, that no school property shall be sold except by authority of a two-thirds majority vote of the resident tax payers of the district, present at a regular or special school meeting called for that purpose.

School Districts, how divided.

School property may be purchased or sold.

SEC. 2. At a school meeting to be held in each school district on the first Monday in June, in the year eighteen hundred and eighty, there shall be elected by the registered voters of the district, three school trustees for each school district, one for the term of one year; one for the term of two years, and one for the term of three years. And annually thereafter, at the school meeting provided for in section 3 of this Act, there shall be one school trustee elected by said registered voters in each school district, whose term of office shall be for three years, and until his successor is elected and qualified. Said trustee shall qualify by taking and subscribing an oath of office, and give bonds to the county in which they reside, in such sums and with such sureties as the Probate Judge of the county, or a Justice of the Peace for the precinct may approve, conditioned for the faithful performance of the duties of their offices. Said oath of office and bonds shall be filed with the Clerk of the County Court.

School trustees, how elected.

Must qualify.

SEC. 3. The trustees shall provide suitable school-houses and keep the same in repair, employ teachers, and furnish fuel, maps, charts, and other suitable articles for school purposes, and may at their option collect tuition fees. They shall prescribe the manner in which schools shall be conducted, and the branches to be taught and rates of tuition therefor, and establish outhouses, playgrounds, and other appurtenances. The trustees shall keep a record of their official actions, and of proceedings in district school meetings, signed by the chairman and secretary; keep a correct account of all moneys received by them and how expended, such accounts to be reported each year to the voters of the district at an annual school meeting to be held on the

Duties and powers of trustees.

Must keep a record of their proceedings.

Compensation.

Districts may be united.

Scholars may be transferred

Taxes for schools, how collected.

Two-thirds vote required.

Property of non-residents not taxable.

Meetings to fix rate of tax, how called and conducted.

Trustees may appoint certain officers.

first Monday in June, at which meeting the amount of compensation to be allowed to said trustees, or either of them, may be decided by a majority vote. Trustees may unite and jointly control two or more contiguous districts in the same county, or in adjoining counties, and establish union schools, to be supported out of the funds belonging to their respective districts. They may make arrangements with the trustees of adjoining districts for the attendance of such children in the schools of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children, to the district in which they may attend school.

SEC. 4. Whenever it shall be necessary to raise funds to purchase, build, repair or furnish schoolhouses or for other school purposes, an estimate of the approximate cost thereof shall be made by the trustees, and the rate per cent. may be fixed at any sum not exceeding two per cent. per annum, as shall be decided by a two-thirds majority vote of the property tax payers resident in the district, present at a meeting called for that purpose, to be assessed and collected as a special tax upon the taxable property in the district; *Provided*, The property of non-residents shall not be liable to tax for the payment of teachers. In case of a challenge of the right of any person to vote on said tax, the oath of such person as to qualification, his tax receipt for the past year, or a copy of the tax list showing that said person owns taxable property in the district, shall be received as evidence of such right to vote.

SEC. 5. For the calling of a meeting for voting on the rate per cent. of tax to be assessed, and for the election of trustees, notice shall be given at least ten days before the time appointed for taking such vote, by advertising at least three times in some newspaper published in the county, having general circulation therein, or by posting up notices in three public places in the district; said advertisement or notice shall state distinctly the time, place and object of said meeting; said notice shall be given by at least five permanent residents of the district; but if the district be organized, then said notice shall be given by the trustees. At all such meetings the voting shall be by ballot.

SEC. 6. The trustees shall have power to appoint a clerk, an assessor and collector, and a treasurer, and prescribe their qualifications. They shall also appoint an auditor each year, whose duties shall be to examine the financial accounts of the trustees for the current year, and report thereon at the annual school meeting.

SEC. 7. The assessor shall, within such time as the trustees may direct, make an assessment at a fair cash valu-

ation, of all the taxable property in his district, and report the same to the trustees. The trustees shall give notice of the time and place when they will meet to hear and determine complaints, if any, in regard to the assessed valuation of any property, and may equalize and correct the same; and they shall have power to remit or abate the taxes of any indigent person to an amount not exceeding five dollars on any such assessment. They shall fix the time within which the tax shall be paid, which in no case shall be less than thirty days, and approve the assessment roll and hand it to the collector to collect the tax.

Power and duty of assessor.

May abate tax.

SEC. 8. The collector shall forthwith notify the taxpayers of the district, of the amount of their tax and when the same is payable, and shall proceed to collect the same within the time specified by the trustees, and pay the money collected to the district treasurer, if there be one, otherwise to the trustees, and all taxes remaining unpaid for ninety days after they become due, shall become delinquent, and a list thereof shall be handed to the county collector of the county in which such district is located, which collector shall proceed and collect the said tax in the manner as provided for the collecting of territorial, county and school taxes, in "An Act to provide revenue for the Territory of Utah and the several counties thereof," approved February 22, 1878. The delinquent taxes thus collected shall be paid into the county treasury and placed to the credit of such school district, and be drawn therefrom upon the order of the trustees of such district.

Taxes, when to be paid and how collected

SEC. 9. The school year shall commence on the first of July, and be divided into four terms. The trustees shall visit, officially, each school in their respective districts, at least once during each term; and, on or before the second Monday in June, in each year, take a census of the children between the ages of six and eighteen years residing in their districts; and within ten days thereafter, shall make a report to the County Superintendent hereinafter provided for, stating the condition of the school or schools under their supervision, and particularly the items contained in the following form, together with such other statistics or information as the Territorial Superintendent may require.

School year commences July 1st.

Trustees must visit each school.

Must take a census.

SCHOOL TRUSTEES'

Annual Report of School District No, in the

Form of re-
port.

County of U. T., ending 18

. Trustees.

No. of District.	No. of Schools.	Grade of Schools.	Branches Taught.	No. of Male Teachers.	No. of Female Teachers.	No. of Male Children in District between the ages of Six and Eighteen years.	No. of Female Children in District between the ages of Six and Eighteen years.	No. of Male Scholars Enrolled.	No. of Female Scholars Enrolled.	Average Daily Attendance.	Amount Paid to Teachers.	To Males.	To Females.	No. of days School have been Taught during the Year.	No. of School Libraries.	No. of Volumes in each.	Present condition of School Buildings, etc.	Amount of Building Funds raised.	Amount of Apportionment of Territorial School Taxes.	Local Taxes collected in District for School purposes.	Value of School Property.

Penalty for neglect of duty.

Trustees failing to so report shall be liable to prosecution on their bonds, for neglect of duty; said suit to be prosecuted by the County Superintendent; and any amount so recovered shall revert to the benefit of the district schools in said district.

All schools shall be known as district schools, and to be entitled to equitable portion of school funds.

SEC. 10. All schools organized under the direction of the Trustees, in the respective school districts of this Territory, shall be known, in law, by the name and title of District Schools, and shall be entitled to a just and equitable apportionment of any public school fund arising from the general government, or by legislative enactment of the Territory.

Board to examine teachers.

SEC. 11. The County Court of each county shall appoint, in their respective counties, where not already done, a board of examination, to consist of the County Superintendent and two other competent persons, who shall judge of the qualifications of school teachers applying for schools; and all applicants of a good moral character, considered competent, shall receive a suitable certificate, signed by the board, without which no person shall be eligible to employment as teacher, by the Trustees, and such districts employing other than eligible teachers, shall forfeit their apportion-

Districts without eligible teachers forfeit their share of school fund.

ment of any public school fund. A normal certificate of graduation from the University of Deseret shall entitle the holder to eligibility as a teacher in any of the district schools of the Territory; *Provided*, That such certificate shall be endorsed by the board as to the moral character of the holder.

SEC. 12. Teachers of schools shall furnish their respective Trustees with a report of their schools, at the close of each term, in the following form, together with such other information as the Territorial Superintendent may require: Teachers to furnish quarterly reports.

SCHOOL TEACHER'S

Term Report of School No . . . , District No . . . , County .
of U. T., ending 18..
. Teacher.

Form of report.

NUMBER OF PUPILS.	Ages from		to	No. of Males.	No. of Females.	Average Daily Attendance.	BRANCHES TAUGHT.										School books used,	REMARKS.
			Alphabet.				Spelling.	Reading.	Writing.	Geography.	Grammar.	Arithmetic.	Bookkeeping.	History.	Music.	Drawing.		

SEC. 13. A majority of the Trustees shall have power to transact business, and in case of a vacancy in any school district by death, resignation, or otherwise, the remaining trustees shall immediately appoint a suitable person to fill such vacancy until the next election for Trustees. Majority of of trustees may transact business; in case of vacancy must call an election.

SEC. 14. At the general election for the year one thousand eight hundred and eighty-one, and biennially thereafter, a Territorial Superintendent of District Schools shall be elected, whose term of office shall be for two years, and until his successor shall be elected and qualified; and before entering upon the duties of his office, he shall qualify by taking and subscribing an oath, and giving a bond, with approved sureties, to the people of the Territory of Utah, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, said Territorial Superintendent of Schools to be elected.
Term of office
Must take oath and give bonds.

Election of
county super-
intendents;
term of office,
bonds, etc.

oath, bond and sureties to be approved by and filed with the Auditor of Public Accounts. At the same general election, and biennially thereafter, there shall also be elected for each county in the Territory, a Superintendent of District Schools, whose term of office shall be for two years, and until his successor shall be elected and qualified; and before entering upon the duties of his office he shall qualify by taking and subscribing an oath of office, and giving a bond, with approved sureties, in such sum as shall be prescribed by the Probate Judge of the county, which oath and bond shall be filed with the Clerk of the County Court.

Duty of Terri-
torial Super-
intendent.

SEC. 15. The Territorial Superintendent shall keep a record of the condition of district schools throughout the Territory, shall furnish each County Superintendent with a record headed according to form for trustees' reports, and also blank forms of said reports, together with blank forms of school teachers reports, as contemplated in this Act; and he shall cause to be printed such a number of the forms described in this Act, including forms for financial reports, as shall be necessary for distribution to the trustees and teachers throughout the Territory, and distribute the same.

Text books to
be selected by
territorial
and county
superintend-
ents.

SEC. 16. The Territorial and County Superintendents, and the President of the Faculty of the University of Deseret, or a majority of them, shall, at a convention called by the Territorial Superintendent of District Schools, for that purpose, decide what text books shall be adopted in the district schools, and their use shall be mandatory in all the district schools of the Territory; *Provided*, That no text book so adopted shall be changed within a period of five years from its adoption, except for sufficient cause, to be decided at a special convention, and any teacher changing the text books, shall forfeit his eligibility as a teacher. The County Superintendents, with the Trustees, in their respective districts, shall regulate the school terms, allowing such holidays and vacations as may be advisable.

Duty of coun-
ty superin-
tendents.

SEC. 17. The County Superintendent shall take the general supervision of the schools in his county, and visit them at least twice in each year, examine the trustees records, audit their accounts, and see that the trustees are diligent in the discharge of their duties. He shall keep a correct account with the County Treasurer, and with the trustees of school districts, of all funds received and disbursed for school purposes in the county; shall audit all school accounts against the County Treasurer, and draw his warrant in favor of the several school districts for the payment thereof. He shall transmit to the Territorial Superintendent of District Schools, on or before the first Monday in August, annually, a full and complete financial statement

of all funds received in his county, including amount of taxes collected by the trustees in each district, voluntary contributions, and amounts arising from the general government or by legislative enactment of the Territory of Utah, or from any other source whatever, and amounts disbursed for buildings, furniture, and all school appurtenances, the actual tuition fees, together with a statistical statement in the following form, together with such other information as the Territorial Superintendent may require:

COUNTY SUPERINTENDENT'S

Annual Report for.....Co., ending first
Monday in November, 18....
.....County Supt.

													Form of re- port.
Names of Districts.	No. of Districts in County.	No. of Districts reported.	No. of Schools.	No. of Male Teachers.	No. of Female Teachers.	No. of Boys in County between the ages of Six and Eighteen Years.	No. of Girls in County between the ages of Six and Eighteen Years.	Total between Six and Eighteen Years.	No. of Male Scholars Enrolled.	No. of Female Scholars Enrolled.	Total Enrolled.	Percentage of Names Enrolled.	REMARKS.
												Average Daily Attendance.	
												Percentage of School Population actually attending School.	
												Amount paid to Male Teachers.	
												Amount paid to Female Teachers.	
												Total paid to Teachers.	
												No. of days School have been Taught during the Year.	
												Present condition of School Buildings.	
												Amount of Building Funds raised.	
												Amount of taxes appropriated to the use of Schools.	
												Real Value of School Property.	

SEC. 18. The County Superintendents of district schools are hereby authorized and required to proceed against all delinquent district pound keepers, or other parties, who have failed or shall fail to pay the school funds due, or which may hereafter become due, arising from the sales of estrays or from other sources, and shall pay all amounts thus collected into the county treasury, quarterly. The school funds mentioned in this section shall be drawn from the county treasuries annually, on the order of the County Superintendents, to be distributed by them among the various school districts in their respective counties, according

Duty of county superintendents in relation to school fund, and how distributed.

to the school population, and expended by the Trustees for school purposes.

School money subject to order of Territorial superintendent; how distributed.

SEC. 19. The moneys accruing for the benefit of district schools, under the provisions of section 1 of "An Act to provide revenue for the Territory of Utah and the several counties thereof," approved February 22, 1878, shall be disbursed on orders drawn by the Territorial Superintendent of District Schools, in favor of the Territorial sub-treasurer of each county, according to the school population thereof, and shall be paid to the trustees by the County Treasurer, on the orders of the County Superintendents; and said moneys shall be used by the trustees in paying school teachers during the year following the one in which it was assessed and collected. No pupil shall derive any benefit from said moneys who is under the age of six years, nor over the age of eighteen years. The Treasurers of the respective counties, upon the receipt of the proportion of school moneys to which their counties are entitled, shall hold the same subject to the orders of the Superintendent of district schools thereof, and such moneys shall not be used or disbursed for any other purpose than that for which they are paid in.

Who may attend school.

Appropriation for University of Deseret; how expended. Forty pupils to be given free tuition.

SEC. 20. The sum of five thousand dollars is hereby appropriated annually to the University of Deseret, to be drawn by and expended under the direction of the Chancellor and Board of Regents; *Provided*, that forty pupils annually shall be instructed free of charge, for tuition, books, or apparatus, for one year in the Normal Department of said University. Said pupils shall be selected by the Territorial Superintendent of District Schools, from persons nominated by the board of examination of the several counties, according to the district school population thereof, and his certificate shall entitle the holder to all the benefits of this provision. The character of the studies pursued by said pupils shall be such as may from time to time be advised by the Territorial Superintendent of District Schools. Each pupil so educated, shall sign an obligation to the Territorial Superintendent of District Schools, conditioned that for each year's free tuition so received, he or she will serve one year as a district school teacher, if required so to do by their respective County Superintendents, within two years from the date of his or her graduation.

Apportionment of school moneys; how made.

SEC. 21. The county and district apportionment of the moneys accruing for the benefit of district schools, under the provisions of section 1 of "An Act to provide revenue for the Territory of Utah, and the several counties thereof," shall be made by the Territorial Superintendent of District Schools, based upon the annual reports of County Superintendents, on or before the thirty-first day of Decem-

ber in each year, according to the number of all the children in the districts between the ages of six and eighteen years, and forward a certificate to each County Superintendent, setting forth the amount allotted to each county, and a copy of such certificate to the Auditor of Public Accounts, whose duty it shall be to issue a warrant to each County Treasurer, on application therefor, setting forth the amount allotted to his county.

SEC. 22. Nothing in this Act shall be so construed as to interfere with any assessment heretofore made or contract entered into by the parties under the former law, or suits pending that have originated under any former Act of this legislature. Nor to appropriate any part of the school fund to any private, select or high school, or any boarding school, or academy, or any school whatsoever not under the immediate control and direction of the school district trustees, except as provided in section 20, nor to prevent the present Territorial and County Superintendents and trustees of district schools, from continuing in office until superseded by election as herein provided for.

Construction of this Act as to former assessments and contracts.

SEC. 23. After the passage of this Act, all the school property acquired, both personal and real, of any school district, shall be the property of such district for school purposes, and prior to the erection or construction of any school buildings on any lot or parcel of land (except on public domain), the school trustees shall first obtain from the owner of such lot or parcel of land, a deed in fee simple, by purchase or otherwise, the deed to run from the grantor to the school trustees of said school district, and their successors in office, as grantees, and shall record said deed in the proper office for recording deeds in that county.

In whom property vests.

SEC. 24. An Act entitled "An Act providing for the Establishment and Support of District Schools," approved February 18, 1876, is hereby repealed.

Act of Feb. 18, 1876, repealed.

Approved February 20, 1880.

CHAPTER XX.

WATER RIGHTS.

AN ACT providing for Recording Vested Rights to the Use of Water and Regulating their Exercise.

County
Selectmen
created Water
Commission-
ers; their
powers and
duties.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the Selectmen of the several counties of this Territory are hereby created ex-officio Water Commissioners for their respective counties, whose powers and duties shall be to make, or cause to be made and recorded, such observations, from time to time, as they may deem necessary, of the quantity and flow of water in the natural sources of supply, and to determine, as near as may be, the average flow thereof at any season of the year, and to receive, hear and determine all claims to the use of water, and on receipt of satisfactory proof of any right to the use of water having vested, to issue to the person owning such right a certificate therefor for recording, and to generally oversee, in person, or by agents appointed by them, the distribution of water within their respective counties, from natural sources of supply, to all the corporations, or persons, having joint rights in and to any natural source of supply, and to fairly distribute, according to the nature and extent of recorded rights, and according to law, to each of said corporations, or persons, their several portions of such water; and in case of dispute between any of such persons, or corporations, as to the nature, or extent, of their rights to the use of water, or right of way, or damages therefor, of any one or more of such persons, or corporations, to hear and decide upon all such disputed rights, and to file a copy of their findings and decisions as to such rights, with the County Recorder, and to distribute the water according to such findings or decision, unless otherwise ordered by a court of competent jurisdiction.

Disputes as to
water rights,
how settled.

SEC. 2. In cases where persons, or corporations, use water in different counties from the same natural source of supply, the Water Commissioners of each of said counties shall unite in appointing, either from among their number or otherwise, as they may determine, a board of reference of not less than three competent persons, to hear and decide

all disputes in regard to water rights in and to such 'natural source of supply, and they shall file a copy of their decision with the County Recorders of each of said counties; said Water Commissioners and members of the board of reference shall each, respectively, have power to administer oaths, and if any person who may be duly sworn in any matter in relation to the nature, extent, or exercise of any right or duty under any of the provisions of this Act, shall falsely swear, such person shall be deemed guilty of perjury.

Commissioners have power to administer oaths.

SEC. 3. The certificates of the Water Commissioners shall state generally the nature and extent of the right to use water of the person, or corporation, to whom it is issued, and must be filed with the County Recorder for recording.

Certificates to be issued showing extent of water rights.

SEC. 4. It shall be the duty of the County Recorder of each county, upon any certificate of Water Commissioners being filed in his office, as prescribed by this Act, and upon any findings or decisions of any commissioners, or board of reference, as to the extent of any of such rights, and upon payment of the fees allowed by law for such service, to record, in a book, or books, to be kept by him for such purposes, all such certificates, findings and decisions, which said record shall be deemed to impart notice to all persons whomsoever of the contents thereof, and shall be prima facie evidence of the existence and verity of the facts therein recited.

County Recorder must record certificates.

SEC. 5. No person, or corporation, shall maintain any suit, at law or in equity, for the determination of the existence or extent of any right, or rights, to the use of water in this Territory, until after the decision of the proper county commissioners, or of the proper board of reference, as the case may be, unless said commissioners, or board, shall fail and neglect to hear and decide such person's claim of right to use of water for more than three months after such person may have presented, in writing, his claim, or claims, and evidence in support thereof, for adjudication. *Provided*, This section shall not be construed to affect or impair the authority or jurisdiction of any court in the issuance of a temporary injunction or restraining order in such cases, or to abridge the right of any person aggrieved by any such decision to maintain any lawful suit, or appeal, after such decision may have been made.

No suits to be maintained for water rights, until after the Commissioners have rendered their decision.

Right of appeal.

SEC. 6. A right to the use of water for any useful purpose, such as for domestic purposes, irrigating lands, propelling machinery, washing and sluicing ores, and other like purposes, is hereby recognized and acknowledged to have vested and accrued, as a primary right, to the extent of, and reasonable necessity for such use thereof, under any of the

Vested rights.

following circumstances: First—Whenever any person or persons shall have taken, diverted and used any of the unappropriated water of any natural stream, water course, lake, or spring, or other natural source of supply. Second—Whenever any person or persons shall have had the open, peaceable, uninterrupted and continuous use of water for a period of seven years.

Secondary
rights.

SEC. 7. A secondary right to the use of water for any of said purposes is hereby recognized and acknowledged to have vested and accrued (subject to the perfect and complete use of all primary rights) to the extent of and reasonable necessity for such use thereof, under any of the following circumstances: First—Whenever the whole of the waters of any natural stream, water-course, lake, spring, or other natural source of supply has been taken, diverted and used by prior appropriators for a part, or parts, of each year only; and other persons have subsequently appropriated any part, or the whole, of such water during any other part of such year, such person shall be deemed to have acquired a secondary right. Second—Whenever, at the time of an unusual increase of water exceeding seven years' average flow of such water, at the same season of each year, all the water of such average flow then being used by prior appropriators, and other persons appropriate and use such increase of water, such persons shall be deemed to have acquired a secondary right.

Rights to the
use of water,
how meas-
ured.

SEC. 8. A right to the use of water may be measured by fractional parts of the whole source of supply, or by such fractional parts, with a limitation as to periods of time when used, or intended to be used; or it may be measured by cubic inches, with a limitation specifying the depth, width and declination of the water at point of measurement, and, if necessary, with a further limitation, as to periods of time when used, or intended to be used, and such right may be appurtenant to the land upon which such water is used, or it may be personal property, at the option of the rightful owner of such right, and a change of the place of use of water shall in no manner affect the validity of any person's right to use water, but no person shall change the place of use of water, to the damage of his co-owners in such right, without just compensation.

Water rights
may be
personal
property, or
otherwise.

Neglect to use
water for
seven years,
held to be an
abandonment
of the right.

SEC. 9. A continuous neglect to keep in repair any means of diverting, or conveying, water, or a continuous failure to use any right to water, for a period of seven years, at any time after the passage of this Act, shall be held to be an abandonment and forfeiture of such right, and whenever hereafter a conveyance of any parcel of land is executed, and a right to the use of water has been continuously exer-

cised from the time of its first appropriation, in irrigating such land, such right shall pass to the grantee of such conveyance; and in cases where such right has been exercised in irrigating different parcels of land at different times, such right shall pass to the grantee of any parcel of land on which such right was exercised next preceding the time of the execution of any conveyance thereof; subject, however, in all cases, to payment by the grantee of any such conveyance, of all amounts unpaid on any assessment then due upon any such right. *Provided*, That in any of the cases mentioned in this section, any such right to the use of water, or any part thereof, may be reserved by the grantor of any such conveyance, by making such reservation in express terms inserted in such conveyance.

Water rights may be conveyed with the land.

SEC. 10. All rights to the use of water, and means of diverting water, shall be exempt from taxation, except for the purpose of regulating the exercise of the use of such right, in all cases where the land, or other property, upon which the water pertaining to such rights is assessable for taxation, but in making the assessment the Assessor shall estimate the increased value of such land, or other property, caused by the use of such water:

Water rights, etc., exempt from taxation.

SEC. 11. It shall be the duty of all persons using water from any natural source of supply, to provide suitable ditches for conveying surplus water again into the natural channel, or other place of use, to the satisfaction, or approval of the Water Commissioners; and if, through neglect so to provide such ditches, water is allowed to form pools; or marshes, or otherwise run to waste, or if any person shall turn, or use, any water in a manner that damages the property of another, except when such turning, or using is in the prudent, careful exercise of such person's lawful right to so turn, or use, such person, or persons, so offending shall be liable for damages to any aggrieved person entitled to the use of water from the same source of supply, and the Water Commissioners may, on application, or of their own motion, cause the water supply to be diverted from such offending party until such waste ditches are provided.

Waste of surplus water prohibited.

Persons liable for damages caused by waste water.

SEC. 12. Whenever the terms mentioned in this section are employed in this Act, they are employed in the sense hereinafter affixed to them, except where a different sense plainly appears: First—The term "person," when applicable, includes "firm," "partnership," "joint stock company," "association" and "corporation." Second—Words in the singular number may include the plural, and words in the masculine may include the feminine. Third—The term "continuous use" includes use for that part of each year necessary for the purpose used for:

Definition of terms used in this Act.

Sec. 2192,
Compiled
Laws,
repealed.
The use of
water belong-
ing to others,
etc., a mis-
demeanor.

SEC. 13. That section 2192 of the Compiled Laws of Utah is hereby repealed, and the following enacted in lieu thereof; Any person who, in violation of any right of any other person, wilfully turns or uses the water, or any part thereof, of any canal, ditch, or reservoir, except at a time, or times, when the use of such water has been duly distributed to such person, or wilfully uses any greater quantity of such water than has been duly distributed to him, or in any way changes the flow of water, when lawfully distributed for irrigating or other useful purposes, except when duly authorized to make such change, or wilfully and maliciously breaks or injures any dam, canal, watergate, ditch, or other means of diverting or conveying water for irrigation, or other useful purposes, is guilty of a misdemeanor.

Rights to
use of water,
which have
preference.

SEC. 14. Whenever the waters of any natural source of supply are not sufficient for the service of all those having primary rights to the use of the same, such water shall be distributed to each owner of such right in proportion to its extent, but those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for irrigating lands shall have preference over those using the same for any other purpose, except domestic purposes. *Provided*, Such preference shall not be exercised to the injury of any vested right, without just compensation for such injury.

Right of way
granted.

SEC. 15. All persons shall have the right of way across and upon public, private and corporate lands, or other right of way, for the construction and repair of all necessary reservoirs, dams, water-gates, canals, ditches, flumes, or other means of securing and conveying water for any necessary public use, or for drainage, upon payment of just compensation therefor, but such right of way shall in all cases be exercised in a manner not to unnecessarily impair the practical use of any other right of way, highway, or public or private road, nor to unnecessarily injure any public or private property.

Corporations
may be
formed for
distribution
of water.

SEC. 16. Whenever a majority of individuals owning several rights to the use of water, and a joint interest in the means of diverting or conveying such water, or who may desire to divert and use any unappropriated water, desire to organize themselves into an association for the purposes of regulating the diversion and distribution of such water, they may organize into a corporation in the manner provided in "An Act providing for incorporating associations for mining, manufacturing, commercial, and other industrial pursuits," approved February 18, 1870, and all amendments thereto, with power to levy and collect all necessary assessments, and the distribution of water to each stockholder

Have power
to levy and
collect assess-
ments.

may be regarded as the payment of dividends, and such corporation shall have perpetual succession, unless dissolved by three years' non-use of its rights, or by a two-thirds majority vote of its members, at a meeting called for that purpose; in all cases of dissolution, the property held by the corporation, shall revert to the members, in proportion to their rights therein, or they may organize into an irrigation district, under "An Act to incorporate Irrigation Companies," approved January 26, 1865, as they may elect.

May form
Irrigation
Districts.

SEC. 17. All Acts or parts of Acts in conflict with this Act, are hereby repealed.

Conflicting
Acts repealed!

Approved February 20, 1880.

CHAPTER XXI.

OF REVENUE.

AN ACT amending "An Act to provide Revenue for the Territory of Utah and the several Counties thereof," approved February 22, 1878.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That "An Act to provide revenue for the Territory of Utah and the several Counties thereof," approved February 22, 1878, is hereby amended as follows: Section two (2) of said Act is hereby amended by adding to the end of said section the following exemption, twelve (12), wearing apparel, beds, bedding, stoves, chairs, etc., not exceeding one hundred dollars (\$100) in value for each family.

Sec. 2, of Act
of February
22, 1878,
amended.

SEC. 2. Section three (3) of said Act is hereby repealed and the following substituted in lieu thereof: Property other than money shall be assessed at a fair cash valuation. Money loaned, on hand, or on deposit shall be assessed at its legal value; real estate shall be listed as real estate, and personal property shall be listed as personal property. Real estate taxable under this Act shall be listed and assessed as valued on the first day of January in each year; all other property taxable under this Act shall be listed and assessed as valued on the day of assessment, from credits taxable under this Act; debts due and owing

Sec. 3,
amended.
Property.
Money

Assessment
made on
January 1,
each year.

Debts to be deducted from taxable credits.

by the party to be assessed shall be deducted in listing and assessing.

Sec. 11, amended. Assessor shall take oath and give bond.

SEC. 3. Section eleven (11) of said Act is amended by striking out all of said section after the word "Assessor," in the seventh line, and substituting the following in lieu thereof: Shall, before entering upon the duties of his office, take and subscribe an oath of office and give a bond, with approved security, to the Territory and County, to the acceptance of the County Court, conditioned for the faithful performance of the duties of his office. Said Collector shall, before entering upon the duties of his office, take and subscribe an oath of office, and give a bond with approved security to the Territory of Utah, conditioned for the faithful performance of the duties of his office, and for the payment of territorial and school taxes due from him to the Territory, and give a bond to the County, conditioned for the payment, into the county treasury, of all county taxes due from him to the county; each Assessor elected under the provisions of this Act shall enter upon the duties of his office on the first day of January next following his election, and shall qualify within five days prior thereto. Each Collector elected under the provisions of this Act shall enter upon the duties of his office on the first day of June next following his election, having first qualified as above prescribed; *Provided*, That in any county where the total revenue, provided for in this Act, does not exceed forty thousand dollars per annum, the County Court, at the June term next preceding the election, may direct that the Assessor shall also be the Collector, in which case his bonds shall be equal to that of a Collector only.

Collector shall take oath and give bond.

When Assessors and Collectors shall enter upon their duties.

Assessor shall be Collector, when,

Sec. 17, amended.

SEC. 4. Section seventeen of said Act is hereby amended by striking out the words "on or" in the first line of said section and substituting in lieu thereof, "after the first day of January and," also by adding to said section, the following: "If, at any time after the assessment is made and during the year, it should be ascertained that any taxable property has not been assessed, the Assessor may assess the same, and make report thereof to the County Court, and the County Court shall cause the same to be entered in the Collector's roll for collection."

Property may be added to assessment roll at any time.

Sec. 18, repealed. County Courts to hear complaints, fix compensation of Assessor and Collector, and determine rate of county tax.

SEC. 5. Section eighteen is hereby repealed and the following substituted in lieu thereof: "The County Court of each county shall, on the return of the assessment roll, appoint a time to hear complaints, determine the Assessor and Collector's compensation; also determine the rate per cent. of the county tax for the current year. The Clerk of the County Court shall, within twenty days after the receipt of the assessment roll, set the amount of tax in the proper

column, opposite the name or description of property, and furnish the Collector with said assessment roll. On receipt of the assessment roll from the clerk, the Collector shall furnish to each taxpayer, by mail, postage prepaid, or leave at his residence or usual place of business (if known), a notice of the amount of tax assessed against him, and where and when payable, and return said assessment roll to the County Court, who shall constitute a board of equalization, and shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom, and if the board of equalization shall find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct the clerk to give notice to the persons interested, by letter, postage prepaid, deposited in the post office, or otherwise, naming the day when they shall act in that case, and allowing a reasonable time for such party to appear. During the sessions of the board, the Assessor may be present, and shall have liberty to make any statement touching questions before the board. The board may remit or abate the taxes of any insane, idiotic, infirm or indigent person to an amount not exceeding five dollars for the current year. During the session, or as soon as possible after the adjournment of the board of equalization, the clerk shall enter upon said assessment roll all the changes and corrections made by the board, and shall add up the columns of valuation, and, on or before the first day of September, shall make and deliver to the tax collector a true copy of the corrected roll, with the total amount of taxes to each person, firm, corporation or association, carried out in separate money columns, which copy shall be duly certified to by the Clerk of the County Court, and he shall report to the Auditor of Public Accounts the amount of territorial and school tax assessed in said county, and shall file the original assessment roll in his office. All territorial, school and county taxes provided for in this Act shall be due and payable on the first day of September, annually, and any and all taxes remaining unpaid on the thirty-first day of October, shall be deemed delinquent. The County Court, at any session, shall have power, on satisfactory proof being produced, that any property has been assessed "twice" in the same year, or to a wrong owner, to correct said assessment and abate the tax thereon, or, if the tax has been paid, to refund the same and to charge the Territory with its portion of the tax so refunded, and if the property has been erroneously assessed to a wrong person, to assess the property to the owner, if known.

Every taxpayer must be notified of the amount of tax assessed, etc.

County Court constituted a Board of Equalization. Power and duties of.

May increase tax.

May abate tax.

Clerk to enter changes on assessment roll.

Must report to Auditor of Public Accounts, amount of tax assessed in said county. Taxes due September 1.

Delinquent October 31.

Taxes may be refunded.

Sec. 20,
amended.

SEC. 6. Section twenty of said Act is hereby amended by adding to said section the following: "And the Clerk of the County Court shall credit the Collector with the amount of the tax due thereon, and costs to date of sale."

Sec. 25,
amended.
Quarterly re-
port to be
made.

SEC. 7. Section twenty-five of said Act is hereby amended by adding to said section the following: "The Clerk of the County Court shall report quarter yearly to the Auditor of Public Accounts the amount and kind of funds belonging to the Territory, paid to the County Treasurer."

Sec 27,
amended,
School taxes
subject to ap-
portionment
by Territorial
Superin-
tendent of
Schools.

SEC. 8. Section twenty-seven of said Act is hereby amended by adding to said section the following: "The school taxes collected in any county shall be held by the County Treasurer thereof, subject to the apportionment by the Territorial Superintendent of District Schools, of moneys so collected, a sum equal to the apportionment of said county the preceding year for school purposes. The compensation of each County Treasurer shall be determined by the County Court, one half of which shall be paid by the Territory as compensation for services as sub-treasurer of the Territory, and it shall be lawful for him to retain the amount of his compensation thus provided for out of the Territorial funds in his hands.

Territory to
pay one-half
of the com-
pensation of
County
Treasurers.

Sec. 28,
repealed.

SEC. 9. Section twenty-eight of said Act is hereby repealed and the following substituted in lieu thereof: "On or before the first Monday in May in each year, the Collector of each county shall settle with the Clerk of the County Court, and make full payment into the county treasury of all taxes due. If any tax shall remain unpaid to the Collector on the said thirty-first day of May, the Collector shall have in his own individual right a right of action the same as on an express contract for the direct payment of money against each delinquent, and no taxable property of such delinquent shall be exempt from execution on a judgment in such cases. It shall be the duty of the Auditor of Public Accounts to keep an account with the Territorial Treasurer and with each County Treasurer, charging each respectively with the amount and kind of funds paid to him, and crediting him with the funds paid out and with his compensation.

Collector
must make
settlement by
May 1.

Taxes unpaid
May 31.

Auditor of
Public Ac-
counts must
keep account
with Terri-
torial and
County
Treasurers.

SEC. 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved February 20, 1880.

CHAPTER XXII.

LEGISLATIVE REPRESENTATION.

AN ACT Apportioning the Legislative Representation of the Territory of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That at the General Election, in the year eighteen hundred and eighty-one (1881), and biennially thereafter, Cache and Rich Counties shall elect one Councilor to the Legislative Assembly; Box Elder and Weber Counties, one; Wasatch, Uintah, Summit and Morgan Counties, one; Salt Lake, Davis and Tooele Counties, four; Utah and Juab Counties, two; Sanpete, Sevier and Emery Counties, one; Millard, Beaver, Iron and Piute Counties, one; Washington, Kane and San Juan Counties, one.

Apportionment of Councilors; when elected.

SEC. 2. At the General Election in the year eighteen hundred and eighty-one (1881), and biennially thereafter, Cache and Rich Counties shall elect two Representatives to the Legislative Assembly; Box Elder, one; Weber County, two; Wasatch and Uintah Counties, one; Summit County, one; Morgan, Salt Lake, and Davis Counties, six; Tooele County, one; Utah and Juab Counties, four; Sanpete, Sevier and Emery Counties, two; Millard County, one; Beaver and Piute Counties, one; Iron and San Juan Counties, one; Washington and Kane Counties, one.

Of Representatives; when elected.

SEC. 3. This Act is designed and is hereby made to supersede "An Act entitled 'An Act apportioning the representation of Utah Territory,'" approved January 17, 1862, and amended February 15, 1870; and in pursuance of the requirements of an Act of the Forty-Fifth Congress of the United States, entitled Government in the Territories, approved June 19, 1878.

Conflicting Acts repealed.

Approved February 20, 1880.

CHAPTER XXIII.

LEGALIZING CERTAIN DEEDS.

AN ACT to legalize the Execution and Acknowledgment of certain Deeds.

Legalizing
certain deeds
executed un-
der the Town-
site Act.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all deeds heretofore made and executed by the Mayors of Cities, and Probate Judges of Counties in this Territory, under Chapter IV, Title XIX, of the Compiled Laws of Utah, that do not appear to have been signed or executed before any subscribing witness, or which are not subscribed by any witness on witnesses, as required by any existing law of this Territory, at the time of making such deed or instrument, or where such deeds or instruments have been acknowledged before, and certified by County Clerks in this Territory, are hereby validated and confirmed; and such deeds or instruments shall have the same force and effect as if they had been originally signed and executed by subscribing witnesses thereto; and the record thereof and the record of the deeds and instruments so acknowledged before and certified by County Clerks, if they shall have been admitted to record, shall impart notice to the same extent as though such signing and execution had been duly witnessed and the acknowledgment made, taken and certified, as required by the law in force at the time of such execution and acknowledgment.

Approved February 20, 1880.

CHAPTER XXIV.

AMENDING TOWNSITE ACT.

AN ACT Amending Section Eleven Hundred and Seventy-three (1173), of the Compiled Laws of Utah, (Townsite Act.)

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section eleven hundred and seventy-three (1173), of the Compiled Laws of Utah, is hereby amended by adding to the end of said section the following words: *Provided, further,* That full payment for said land, so adjudged to belong to said claimants, shall be made to the Probate Judge or Mayor, as the case may be, within six months after the said certificate herein provided for, is issued to said claimant; *Provided, further,* That in case of non-payment by the claimant within the time herein specified, the amount so due shall be deemed a judgment lien upon said land, and the said judge or mayor, as the case may be, shall proceed to sell by sheriff's sale, said land, in the same manner as land sold under execution, subject, however, to redemption as provided in Title VII, Chapter I, of the Compiled Laws of Utah.

Sec. 1173, of
Compiled
Laws, amend-
ed.

Payments to
land, when to
be made, etc.

Approved February 20, 1880.

CHAPTER XXV.

FENCING LOTS, ETC.

AN ACT to provide for Fencing Lots, Orchards and Stackyards in Cities, Towns and Villages.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That owners of lots,

Lots, orchards
and stack-
yards to be
fenced.

Penalty.

orchards and stackyards in cities, towns and villages are hereby required to enclose them with a lawful fence and keep the same in repair. Non-compliance herewith shall work a forfeiture of the right of such owners to assess damages or impound any stock trespassing or doing damage on such premises; *Provided*, That this Act shall in no wise affect existing laws concerning joint inclosures and division fences, nor interfere with the enforcement of any City Ordinance prohibiting animals running at large within such city.

Conflicting
Acts repeal-
ed.

SEC. 2. All Acts and parts of Acts conflicting herewith are hereby repealed.

Approved February 20, 1880.

CHAPTER XXVI.

ENTERING RAILROAD CARS.

AN ACT to punish persons entering into Railroad Cars, in certain cases.

Entering rail-
road cars with
intent to de-
fraud a Rail-
road Com-
pany, mis-
demeanor.

Penalty.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That every person who clandestinely enters into any railroad car for the purpose and with the intention of riding, or being transported thereon, over any railroad line, or portion thereof, in this Territory, without the knowledge and consent of the company, person or persons owning or operating such car and railroad, and with the intention to defraud such company or person of the fare or compensation for such transportation, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail, not exceeding fifty days, or by fine in any sum less than fifty dollars, or by both fine and imprisonment, at the discretion of the Court.

Employees
who aid such
persons,
guilty of mis-
demeanor.

SEC. 2. Every person, being at the time a servant or employe of any railroad company, who aids, abets, assists, counsels, advises or encourages another person to enter into or upon any railroad car for the purpose, with the intention, and in the manner specified in the preceding section, shall be guilty of a misdemeanor.

Approved February 20, 1880.

CHAPTER XXVII.

COUNTY AND PROBATE CLERKS.

AN ACT in relation to County and Probate Clerks.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That in all legal documents and records, and the laws of this Territory, the term "County Clerks" shall be held to signify and have equal validity with the term "Clerk of the County Court" and the term "Probate Clerk" shall be held to signify and have equal validity with the term "Clerk of the Probate Court."

Definition of terms in relation to County and Probate Clerks.

SEC. 2. The clerks of the respective County Courts are hereby authorized and empowered to take and certify to acknowledgments and to administer oaths.

County Clerks authorized to administer oaths, etc.

Approved February 20, 1880.

CHAPTER XXVIII.

COUNTY CLERKS.

AN ACT to amend section one hundred and ninety-one (191) of the Compiled Laws of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section one hundred and ninety one of the Compiled Laws of Utah is hereby amended so as to read as follows: Section 191.—The clerks of the County Courts are hereby required to keep an accurate account of all receipts and expenditures of their respective counties, also of all debts payable to and by said counties. At the opening of the session of the County

Sec. 191, Compiled Laws amended.

County Clerks to keep accurate account of all receipts and expenditures.

To submit
statement to
County
Court, May 31.

The Court
must audit
statement,
and County
Clerk must
publish same,
or post a copy
in his office.

Penalty.

Court on the first Monday of June, annually, the said Court shall call for and receive the County Treasurer's report, as provided in section 213 of the Compiled Laws of Utah, of the condition of the treasury on the 31st day of May next preceding, and shall settle with said Treasurer. The County Clerk shall thereupon submit to the said court a statement in detail, showing the receipts during the fiscal year ending on the said 31st day of May; the balance, if any, in the treasury at the close of the previous fiscal year; the expenditures during the fiscal year just closed, specifying separately in said expenditures the amount paid to each officer, and for every other disbursement; and the balance on hand, together with a statement of all the debts payable to and by said counties. The said courts shall thereupon audit said statement, and the County Clerks shall, within ten days from the close of said auditation, publish a true copy of said statement, as approved by the County Court, in some newspaper published in the county, and having general circulation therein, if there be one; if there be no such paper, then by posting up the said copy in their offices, and shall keep said copies posted up during the year. A neglect of this duty by any Clerk of the County Courts shall render him liable to a fine in any sum not exceeding five hundred dollars.

Approved February 20, 1880.

CHAPTER XXIX.

HIGHWAYS.

AN ACT pertaining to Highways.

Public high-
ways.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all roads shall be considered as public highways which are now used as such and have been declared such by order of the County Courts or which may be hereafter so declared by the County Courts within their respective counties, or by municipal corporations.

SEC. 2. Highways are roads, streets or alleys and bridges, laid out or erected by the public, or if laid out or erected by others, dedicated or abandoned to the use of the public.

Definition of highways.

SEC. 3. Roads laid out and recorded as highways by order of the County Court, and all roads used as such for a period of five years, are highways. Whenever any corporation owning a toll bridge or a turnpike, plank or common wagon road is dissolved or discontinued, or has expired by limitation, the bridge or road becomes a highway.

Certain roads declared highways.

SEC. 4. A road not worked or used for the period of five years, ceases to be a highway for any purpose whatever.

When a road ceases to be a highway.

SEC. 5. The Clerk of the County Court must keep a book, in which must be recorded all proceedings of the court relative to each road district, including orders for laying out, altering and opening roads, and a description of each road district, its supervisors, its roads, highways, contracts and all other matters pertaining thereto.

County Clerk to keep a record of proceeding relative to roads, etc.

SEC. 6. By taking or accepting land for a highway, the public acquire only the right of way and incidents necessary to enjoying and maintaining it. A transfer of land, bounded by a highway, passes the title of the person whose estate is transferred to the soil in front to the centre of the highway.

Right of the public in highways defined.

SEC. 7. Any owner or occupant of land may construct a side-walk on the highway along the line of his land, subject, however, to the authority conferred by law on the County Court and the supervisors of highways, and any person using such sidewalk with horse or team without permission of the owner, is liable to such owner or occupant for all damage suffered thereby.

Sidewalks may be constructed.

Damages to.

SEC. 8. Any owner or occupant of land adjoining a highway not less than four rods wide may plant trees on the sides of such highway, contiguous to his land. They must be set a distance of at least fifteen feet from each other, in regular rows, and not more than ten feet from the boundary of the highway. If the highway is six rods wide or more, the row must not be less than ten nor more than twelve feet from the boundary of the highway. Whoever injures any of said trees is liable to the owner for the damage which is thereby sustained.

Trees may be planted, how.

Persons injuring trees liable for damage.

SEC. 9. Every gas, water, telegraph or railroad corporation has the right of way through the public ways and squares in any city, village, or town, with the consent of the authorities thereof, and under such reasonable regulations as said authorities and the law prescribe. The County Courts of the several counties have power to grant a right of way over the public highways for railroads, canals,

Right of way for certain corporations.

water pipes and telegraph lines, under such reasonable regulations as such court may establish. Such portions of all county roads as lie within the limits of any incorporated town or city, or in any town or city hereafter incorporated, shall conform to the direction and grade and be subject to all the regulations of other streets in such town or city.

Power and
duty of the
County
Courts.

SEC. 10. The County Court of each of the counties of this Territory, by proper regulations, have power: First.—To divide, where not already done, the county into a suitable and convenient number of road districts and appoint supervisors therefor biennially, or whenever vacancies occur, and to remove them at pleasure. Second.—To cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary for public convenience. Third.—To cause to be recorded as highways such roads as have become such by usage or abandonment to the public. Fourth.—To abolish or abandon such as are unnecessary. Fifth.—To contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways; and for that purpose institute or require the County Prosecuting Attorney to institute proceedings for the acquirement of said right of way as provided in Title XI, Chapter II, of the Compiled Laws of Utah. Sixth.—To cause to be erected and maintained on such highways as they may designate, milestones or posts and guide posts, properly inscribed.

County roads,
number of.

SEC. 11. The County Courts shall designate the county roads necessary within or extending through each incorporated town or city; which in no case shall be more than three in the same direction.

Supervisors
of road dis-
tricts, must
take oath and
give bonds.

SEC. 12. Supervisors of road districts receive notice of their appointment from the Clerk of the County Court, and within twenty days thereafter must give the official bond required by the County Court, and take the usual oath of office. The notice and certificate that the bond has been filed, and the oath taken and indorsed thereon, or a certified copy thereof, constitutes a commission, and authorizes the person named in and holding the same, to discharge the duties of supervisor until superseded.

Powers and
duties of
Supervisors.

SEC. 13. Road supervisors under the direction and supervision and pursuant to orders of the County Court appointing them, must: First.—Take charge of the public highways within their respective districts. Second.—Keep them clear from obstructions and in good repair. Third.—Cause banks to be graded, bridges and causeways to be made where necessary, and keep the same in good repair, and renew them when necessary. Fourth.—Shall give not less than two days' notice to the inhabitants of his road district

liable to do work on roads, when, where, with what implements, and under whose direction to work. Fifth.—Collect from each inhabitant notified to work, and who fails to work or prefers to pay it. Sixth.—To receive such compensation as may be allowed by the County Court for services performed. Compensation.

SEC. 14. That two days' work of eight hours each, or in lieu thereof, three dollars (\$3) lawful money, is an annual road poll tax upon every able-bodied man over twenty-one and under sixty years old. Within incorporated cities, said poll tax may be collected under such regulations as may be by ordinance provided, and one-fourth of the said tax so collected by cities shall, on or before the first Monday in January, April, July and October of each year be paid into the county treasury, to be expended under the direction of the County Court, in making and improving highways, and the other three-fourths shall be used by said cities for improving, first, territorial and county roads running through such cities; and, second, on any other streets or alleys in such cities. Poll Tax, how and when collected.

SEC. 15. All means other than labor collected as poll tax by the respective road supervisors shall be paid by them into the county treasury, to be appropriated and expended on the principal roads and bridges under the direction of of the County Court. How expended.

SEC. 16. The County Court shall furnish each road supervisor with a blank receipt book, with stubs, on which shall be stated by the supervisor whether said poll tax was paid in cash or labor, and the receipt be given to the party as evidence that he has paid his poll tax, and said book and stubs shall be returned to the County Court, with his annual report, together with the Treasurer's receipts. Tax to be paid into County Treasury.

SEC. 17. Every supervisor must make to the County Court annually, on or before the first Monday in December of each year, a written report containing: First.—The names of all persons assessed to work in his district. Second.—The names of all who have actually worked, and the number of days. Third.—The names of all who have commuted, and the amount received from them. Fourth.—The names of all delinquents and the amount due. Fifth.—The amount of labor expended at each point and the kind of labor performed. Sixth.—An accurate account of every day he himself was employed, and the nature and items of the service rendered. The County Courts may require special reports from road supervisors when deemed proper. Supervisor to keep record of tax, and give receipts.

SEC. 18. A failure to make a report as required, or to pay over, on the order of the County Court, any moneys in his hands, subjects the supervisor to a penalty of twenty-five Supervisor must make annual report. Character of.

Penalty for failure to make report.

dollars (\$25), to be recovered in an action on his bond together with any balance due from him; suit therefor may be instituted by the County Attorney, under order of the County Court.

Persons
liable for
damage
caused by
water or
otherwise.

SEC. 19. Whoever wilfully or carelessly obstructs or injures any highway by flow of water or otherwise, is liable to a penalty of five dollars for each day such obstruction or injury remains. Any person or watermaster permitting water under their control to flood any highway to the injury thereof, shall be liable to the city or county, as the case may be, for the damage, and to a fine in any sum not exceeding twenty-five dollars (\$25).

Injury to
mile boards,
etc.
Penalty.

SEC. 20. Whoever removes or injures any mileboard, or milestone, or guide post, or any inscription on such, erected on any highway, is liable to a penalty of ten dollars (\$10) for every such offence.

Persons liable
for damages
caused by
horses, cattle,
etc.

SEC. 21. Any person or persons who drive loose herds of horses, cattle, sheep, goats or swine over the highways where they pass on dugways, shall be liable for all damage done to such highways by caving of the banks or rolling loose rocks into the same.

Fast driving
on bridges.
Penalty.

SEC. 22. The road supervisors may put up on bridges under their charge notices that there is "five dollars (\$5) fine for riding or driving on this bridge faster than a walk." Whoever thereafter rides or drives faster than a walk on such bridge is liable to a penalty of five dollars (\$5) for each offence.

Injury to
trees.
Penalty.

SEC. 23. Whoever digs up, cuts down, or otherwise injures or wilfully destroys any shade or ornamental tree planted and standing on any highway, is liable to a fine of twenty-five dollars (\$25) for each such tree.

Penalties and
forfeitures,
how recover-
ed.

SEC. 24. All penalties or forfeitures under this Act, and not otherwise provided for, must be recovered by the road supervisors of the respective road districts and be applied on the highways in which they are collected.

Conflicting
Acts repeal-
ed.

SEC. 25. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved February 20, 1880.

CHAPTER XXX.

SALT LAKE CITY CHARTER.

AN ACT Amending the Charter of Salt Lake City.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That sections 60 and 63 of an Act entitled "An Act incorporating Salt Lake City," approved January 20th, 1860, are hereby so amended that the City Council thereof, in addition to the powers therein conferred, may, for the purpose of procuring money wherewith to construct a canal and other works, by means of which to supply the inhabitants of said city with water, borrow money to an amount not to exceed the sum of \$250,000, either by the issue of coupon bonds or other negotiable securities, as said council shall deem most conducive to the interests of said city, although the interest on the money thus obtained, together with that upon the aggregate of all the sums borrowed by said city and outstanding may exceed one-fourth of the city revenue arising from taxes assessed within the corporation during the year next preceding the date of making such loan or the issuing of said bonds or other securities; *Provided*, Such indebtedness, bonded or otherwise, shall not be incurred unless at a special election called for that purpose, by resolution of the City Council, after fifteen days' public notice, stating distinctly the purpose and object for which such indebtedness shall be incurred, the registered voters of said city, as registered for the regular municipal election next preceding said special election, by at least a two-thirds majority vote cast at such election, shall determine in favor of incurring such indebtedness. Nor shall the City Council sell the bonds of said city below the par value thereof, nor issue bonds or other negotiable securities for a period of time exceeding fifteen years. The City Council may provide by ordinance for holding special elections in said city, and the manner in which they shall be conducted and the returns and canvass of votes thereof made.

Sections 60 and 63 of Salt Lake City Charter amended.

City Council given authority to borrow money.

Special election to be called.

Two-thirds vote necessary.

City Council may provide for special elections.

SEC. 2. The City Council of said city shall set apart every six months, out of the revenue of said city, a sum not less than one-fifth of the entire revenue thereof, as de-

Sinking fund
provided for.

terminated by the amount of revenue collected during the preceding six months, as a sinking fund for the payment of the interest and principal of the indebtedness hereinbefore authorized, as the same shall become due. Said sinking fund to be held and payments therefrom made in such manner as the City Council may by resolution provide.

Sec. 62,
amended.

Taxes a lien
upon
property from
date of assess-
ment.

City Council
may provide
for repair of
sidewalks,
etc.
May regulate
use of opium.

SEC. 3. That section 62 of said Act incorporating Salt Lake City is hereby amended by adding the following thereto: "The taxes thus levied shall attach to and constitute a lien on the property assessed from the day of assessment until paid."

SEC. 4. The City Council of said city is hereby empowered to provide by ordinance and enforcement thereof:

First—To compel the inhabitants thereof to keep the sidewalks in front of their premises free from stones, snow, ice, overhanging branches of trees and other obstructions, and to keep such sidewalks in repair.

Second—To regulate, control or prohibit the smoking of opium or inhaling of the fumes thereof, the sale of opium for such purposes, and to suppress opium smoking houses.

Third—That private property may be taken for the opening, widening or altering of any public canal or water ditch, in the same manner as provided in section 76 and 77 of the before named Act incorporating said city, for taking private property for opening, widening or altering any public street, lane, avenue or alley.

May take
property for
public use.

Deputy
Recorder to
be appointed.

Sec. 65,
amended.

Assessment
rolls to be
returned by
first Tuesday
of July.

Fourth—To authorize the recorder of said city to appoint a deputy and to define his duties.

SEC. 5. That so much of section 65 of said Act incorporating Salt Lake City as requires that "the annual assessment rolls shall be returned by the Assessor on or before the first Monday of April in each year," is hereby repealed, and the following substituted in its place: "The annual assessment rolls shall be returned by the Assessor on or before the first Tuesday of July in each year."

Approved February 20, 1880.

CHAPTER XXXI.

TERRITORIAL INSANE ASYLUM.

AN ACT to establish a Territorial Insane Asylum.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That there shall be established upon a site to be selected by the Board of Directors herein after provided for, an institution for the care and treatment of the insane, to be designated and known as the Territorial Insane Asylum.

Territorial Insane Asylum established.

SEC. 2. Warren N. Dusenberry, of Utah County; William R. Smith, of Davis County; Robert T. Burton, of Salt Lake County; John R. Winder, of Salt Lake County; William W. Burton, of Weber County; and James Dunn, of Utah County; are hereby constituted a Board of Directors of the Territorial Insane Asylum, and shall hold their office until their successors, who shall be elected by the Legislative Assembly, and whose term of office shall be four years, shall be elected and qualified. At said election such choice shall be made that three of the persons comprising the Board of Directors shall always consist of citizens of the county in which said asylum shall be situated. They shall be divided into two classes, in the order of their names as herein recorded: The first, second and third named shall go out of office at the expiration of two years from the passage of this Act; the fourth, fifth and sixth shall go out of office at the expiration of four years from the passage of this Act; *Provided*, That the Governor of this Territory shall be and is hereby made ex-officio a member of said board.

Board of Directors appointed.

Successors, how elected, term of office, etc.

Governor of Territory a member of Board.

SEC. 3. In case of a vacancy occurring in said board, when the Legislature is not in session, said board may fill such vacancy until the next session thereof, and then the Legislature shall proceed to fill such vacancy.

Vacancies, how filled.

SEC. 4. The Directors shall qualify by taking an official oath within twenty days after their appointment, which shall be filed with the Auditor of Public Accounts of this Territory; and within thirty days after their appointment, they shall meet and organize, by selecting of their number a President, who shall preside at their meetings, and perform such other duties as may be prescribed by the by-laws; they shall, at the same time and place, elect from their number a

Directors to take oath of office.

When to organize.

May elect officers.

Vice-President, who shall perform the duties of the President in his absence. They shall also elect from their number a Secretary.

Site for Asylum to be selected.

SEC. 5. The Directors shall proceed to make a selection of a site for said asylum, which selection of site shall be confined to that portion of this Territory embraced in the counties of Salt Lake, Utah, Davis and Weber; the Directors being authorized, upon the above-named basis, to fix more definitely the limits to the Territory to be admitted in the selection of said site. In making a selection for a site for said institution, the Directors shall not be influenced by any offers of money or property, but shall decide upon said site solely upon the grounds of healthfulness, adaptability to the purposes of the institution, cost of material for construction, and convenience of access from the different portions of this Territory. They shall have power to receive by gift, or to contract for and to make purchase of such site for the location of said asylum.

Directors to procure and adopt plans, etc., and provide for erection of buildings.

SEC. 6. The Directors shall procure and adopt plans, drawings and specifications for the construction of the asylum buildings, and the improvement of the grounds, and shall make provision for the erection of the buildings, and cause the same to be carried out in accordance with such plans and specifications, and on such terms as they may deem proper; *And further provided*, That the Directors shall not adopt any plans for the asylum or other buildings, that will not secure the building and finishing of at least one section thereof, suitable for the accommodation and treatment of patients, with the appropriation named in this Act.

Directors shall have no interest in contracts, etc.

SEC. 7. The Directors and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contract for labor in the erection of said asylum, nor in any contract for any labor, material or supplies for the maintenance thereof.

Number of patients to be provided for.

SEC. 8. The plans and specifications for said asylum shall be upon the basis of accommodating not exceeding two hundred and fifty patients at any one time.

Name of Board of Directors.

May receive and hold property.

Their powers and duties.

SEC. 9. The Board of Directors shall be known by the name and style of the Board of Directors for the Insane Asylum, and by that name they and their successors shall be known in law, may sue and be sued, in any of the courts of this Territory, and may receive, take and hold property, both real and personal, in trust for the Territory, and for the use and benefit of said Asylum. They shall have power to govern, manage, and administer the affairs of said Asylum, and make and adopt by-laws for their own government and the government of said Asylum, not repugnant to

the laws of the United States or of this Territory. They shall cause to be kept by the Secretary a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same. They shall hold stated meetings at the asylum quarterly at such time as may be prescribed by the by-laws, and a majority of the Board shall constitute a quorum for the transaction of business. They shall make a thorough inquiry into all the departments of labor and expense, and a careful examination of the buildings, property and general condition of the Asylum. They shall submit to the Legislative Assembly biennially, during the first week of its session, a report showing the receipts and expenditures, the general condition of the Asylum, the number of patients under treatment during the two preceding years, and such other matters touching the general affairs of the Asylum as they may deem advisable. As soon as they shall deem it necessary for the proper completion, furnishing and management of said institution, the Board of Directors shall elect a Medical Superintendent, whose term of office shall be four years and until his successor is elected and qualified, and thenceforth the Directors shall elect the Medical Superintendent, when it becomes necessary by the expiration of his term of office, or by the occurrence of a vacancy in said office.

Must keep record of their proceedings.

May hold meetings.

Must report biennially to Legislature.

May elect a Superintendent. His term of office.

SEC. 10. The Board of Directors shall elect a Treasurer, who shall not be of their number, and who shall hold his office for two years and until his successor is elected and qualified. Before entering upon his duties the Treasurer shall qualify by taking the usual oath of office, and shall give bond with good and sufficient sureties in a sum not less than ten thousand dollars, payable to the Territory of Utah, to be approved by the Auditor of Public Accounts, and conditioned for the faithful performance of his duties, according to law, and for the delivery to his successor of all books, papers, vouchers, moneys and effects held by him by virtue of his office. The Board of Directors may increase the amount of the bonds of the Treasurer, and may require additional surety at any time, and they may remove him for good and sufficient cause. The Treasurer shall render to the Board of Directors, quarterly, at such time as may be prescribed by the by-laws, a detailed statement of the moneys received and disbursed by him during the preceding quarter, and shall perform such other duties as the Board of Directors may require. He shall have a yearly salary, to be fixed by the Board of Directors, payable quarterly, out of any moneys appropriated to the use of the Asylum or in its treasury.

Treasurer to be elected.

His term of office. Must take oath and give bond.

Duties of Treasurer.

Compensation.

Duties of
Secretary.

SEC. 11. The Secretary shall have charge of the books and accounts of the Board of Directors. He shall keep a record of their proceedings at all stated or called meetings, and shall perform such other duties as the by-laws may prescribe or as the Board of Directors may require. He shall have such salary or compensation for his services as may be fixed by the Board of Directors, payable quarterly.

Compensation.

Compensation of
Directors.

SEC. 12. Each Director shall receive as his compensation, four dollars per diem for each meeting of the Board at which he shall be present, payable out of any moneys appropriated to the use of the Asylum; *Provided*, That any Director, whose residence is out of the County in which said Asylum is situated, shall be allowed for traveling expenses, mileage at the rate of ten cents per mile for the distance necessarily traveled in attending the meetings of the Board.

Mileage.

Qualifications of Medical
Superintendent and
his duties.

SEC. 13. The Medical Superintendent shall be a well educated and experienced physician, and a regular graduate in medicine, and shall have practised at least five years from the date of his diploma. He shall be the chief executive officer of the Asylum. He shall have the general superintendence of the buildings, grounds and property thereof, subject to the laws and regulations of the Directors. He shall have control of the patients, prescribe or direct their treatment, adopt sanitary measures for their welfare, and discharge such as in his opinion have permanently recovered their reason. He shall appoint, with the approval of the Directors, as many attendants as he may think necessary for the efficient and economical care and management of the Asylum, and, with the consent of the Board of Directors, fix their compensation and discharge any of them. He shall prescribe the duties of the subordinate officers and employes, maintain discipline among them and enforce obedience to the laws, rules and regulations adopted for the government of the institution. He shall estimate quarterly, in advance, the probable expense of the Asylum, and submit the same to the Board of Directors at their last regular meeting preceding the commencement of such quarter, for their approval. And the Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the amount of said estimate, approved by the Directors, as soon as the same shall have been approved, in three equal sums, in favor of the Directors, to be drawn monthly; and the Territorial Treasurer is authorized and directed to pay the same out of any moneys appropriated by law for the use and benefit of said Asylum. The Medical Superintendent shall estimate and report to the Directors the amount, kind and quality of provisions, fuel and clothing required for the six months ending on the thirty-first day

Attendants may be
appointed,
their compensation.

Quarterly
estimates of
expenses to be
made.

Auditor of
Public Accounts to
draw warrant
for the same.

Semi-yearly
estimate of
provisions,
fuel, clothing,
etc., to be
made.

of May and thirtieth day of November of each year; and the Directors shall then advertise for contracts for furnishing said supplies for three successive weeks in one newspaper published in the vicinity of the Asylum. The contract or contracts shall be awarded to the lowest bidder or bidders, upon their giving to the Board of Directors satisfactory security for the faithful fulfillment of the same, necessary expenditures other than those for provisions, fuel and clothing may be made by the Medical Superintendent, subject to the approval of the Board of Directors. The Medical Superintendent shall cause to be kept full and correct accounts and records of his official transactions from day to day, in books provided for that purpose, in the mode prescribed in the by-laws. He shall see that his accounts are fully made up to the thirty-first day of December in each year, and shall submit his annual report to the Board of Directors immediately. He shall visit the Asylum every day in the year unless he obtain leave of absence from the President of the Board of Directors, in which event the assistant physician shall discharge his duties. He shall receive an annual salary, to be fixed by the Board of Directors, payable monthly, as other attaches are paid.

Supplies to be furnished by contract, and by lowest bidder.

Daily record to be kept.

Annual report to be made.

SEC. 14. When said asylum shall be ready for the admission of patients, and thenceforth when a vacancy occurs in the office hereby authorized, the Directors, upon the nomination of the Medical Superintendent, shall elect an assistant physician, who shall be a graduate in medicine. He shall qualify by taking the usual oath of office. His salary shall be fixed by the Board of Directors, to be paid in the same manner as other employes. He shall make daily visits to the Asylum in the absence of the Medical Superintendent, and when requested shall make such visits in company with said Medical Superintendent. He shall perform such other duties as may be directed by the Medical Superintendent and prescribed by the by-laws. His term of office shall be four years and until his successor is appointed and qualified. The duties of the Medical Superintendent, in his absence or sickness, shall be performed by the assistant physician.

Assistant physician to be elected, compensation and duties of.

Term of office.

SEC. 15. The Directors may remove any officer or employe of the asylum by a vote of five-sevenths of their number, for habitual and wilful neglect of duty, or for refusal to comply with the requirements of the laws, by-laws and regulations made for the establishment and government of the institution.

Officers may be removed, how.

SEC. 16. The Probate Judge of any county in this Territory shall, upon application under oath, setting forth that a person, by reason of insanity, is dangerous to be at

Probate Judge may, if found necessary, direct that insane persons be

placed in said
Insane Asy-
lum.

Manner of
investigation
in cases of
insanity.

large, cause such person to be brought before him, and he shall summon to appear at the same time and place, two or more witnesses who well knew the accused during the time of the alleged insanity, who shall testify under oath as to conversation, manners and general conduct upon which said charge of insanity is based, and shall also cause to appear before him, at the same time and place, two practicing physicians in medicine, before whom the judge shall examine the charge, and if, after a careful hearing of the case and a personal examination of the alleged insane person, the said physicians shall certify on oath that the person examined is insane and the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms, the said insane person would be dangerous to his or her own life, or to the lives or property of the community in which he or she may live, and said physician shall also certify to the name, age, nativity, residence, occupation, length of time in the Territory, state or country last from, previous habits, premonitory symptoms, apparent cause and class of insanity, duration of the disease and present condition, as nearly as may be ascertained by inquiry and examination; and if the judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives or property of others, if at large, he shall direct the Sheriff of the county, or some suitable person, to convey to and place in charge of the officers of the Territorial Insane Asylum, such insane person, and shall transmit a copy of the complaint and commitment and physician's certificate, which shall always be in the form as furnished to the courts by the Medical Superintendent of said Asylum; and the person taking such insane person to the Insane Asylum, shall be allowed therefor the same fees as are allowed by law to the Sheriff in such cases, to be paid in like manner if such insane person be indigent. And the physicians attending the examination aforesaid shall be allowed by the County Court of the county in which the examination is had, five dollars each, unless they are otherwise paid.

Fees of the
officers con-
veying
persons to
Asylum.
Fees of
physicians.

Cases not en-
titled to
benefits of
the Asylum.

SEC. 17. No case of idiocy, imbecility, harmless, chronic mental unsoundness or delirium tremens shall be committed to this asylum; and whenever in the opinion of the Superintendent, after a careful examination of the case of any person committed, it shall be satisfactorily ascertained by the said Superintendent that the party had been unlaw-

fully committed, and that he or she came under the rule of exemptions provided for in this section, he shall have the authority to discharge such person so unlawfully committed, and return him or her to the county from which committed, at the expense of said county.

SEC. 18. The judge shall inquire into the ability of insane persons committed by him to the Asylum, to bear the actual charges and expenses for the time that such person may remain in the Asylum. In case an insane person committed to the Asylum under the provisions of this Act, shall be possessed of real or personal property sufficient to pay such charges and expenses, the judge shall appoint a guardian for such person, who shall be subject to all the provisions of the general laws of this Territory in relation to guardians, as far as the same are applicable; and when there is not sufficient money in the hands of the guardian, the judge may order a sale of property of such insane person, or so much thereof as may be necessary, and from the proceeds of such sale the guardian shall pay to the Board of Directors, the sum fixed upon by them each month, quarterly in advance, for the maintenance of such ward; and he also, out of the proceeds of such sale, or such other funds as he may have belonging to his ward, pay for such clothing as the Medical Superintendent shall from time to time furnish to such insane person; and he shall give a bond, with good and sufficient sureties, payable to the Board of Directors and approved by the judge, for the faithful performance of the duties required of him by this Act, so long as the property of his insane ward is sufficient for the purpose. The Board of Directors shall furnish such blank bonds as are required by this section, to the several Probate Judges in this Territory. A breach of any bond provided for in this Act may be prosecuted in the District Court of any district in which such county is situated in this Territory, in which any one of the obligors may reside, and the same shall be prosecuted by the Attorney of the county in which the action shall be brought and shall be conducted throughout, and the judgment shall be enforced, as in a civil action for the recovery of a debt. Should there remain in the hands of the Board of Directors or their Treasurer, at the time any insane person is discharged, any money unexpended so paid by the guardian or kindred, the same shall be refunded; *Provided*, That the Board of Directors shall not be required to refund any money for a fraction of a month; but upon the death of any insane person, after paying the ordinary burial expenses, the remainder of any moneys received from the guardian, or on deposit with the Board of Directors, or their Treasurer, shall be refunded to the person

Insane person possessed of property, to be responsible for expenses while in Asylum.

Guardian of the property to be appointed, his duties.

Must give bond.

Directors to furnish blank bonds.

Unexpended money to be refunded.

Disposition of
moneys found
on insane
persons.

Inmates of
Asylum may
be delivered
to friends;
but may be
returned by
order of the
Judge of the
Court.

Non-resident
insane per-
sons to be re-
turned to
friends if
known.

When
patients may
be placed in
Asylum.

Directors to
establish
rates for
maintenance
of patients.

or persons thereto entitled on demand. Any moneys found on the person of an insane person at the time of arrest shall be certified to by the judge and sent with such person to the Asylum, there to be delivered to the Medical Superintendent, who shall deliver the same to the Treasurer, to be applied to payment of the expenses of such person while in the Asylum; but upon the recovery of such insane person, all sums remaining unexpended, shall be returned to him when he is discharged from the Asylum. The kindred or friends of an inmate of the Asylum may receive such inmate therefrom, on their giving satisfactory evidence to the judge of the court issuing the commitment, that they or any of them are capable and suited to take charge of and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the judge, he may issue an order, directed to the Medical Superintendent of the Asylum, for the removal of such person; but the Medical Superintendent shall reject all other orders or applications for the release or removal of any insane person. And if after such removal it is brought to the knowledge of the judge, by verified statement, that the person thus removed is not cared for properly, or is dangerous to persons or property by reason of such want of care, he may order such person returned to the Asylum.

SEC. 19. Non-residents of this Territory conveyed or coming herein while insane, shall be returned by the Directors to their home and friends if known, and not be committed to or supported in the Territorial Insane Asylum; but this prohibition shall not prevent the commitment to, and temporary care in said Asylum of persons stricken with insanity while traveling or temporarily sojourning in the Territory.

SEC. 20. When any section of the Asylum provided for in this Act is ready for the accommodation of patients, the several Probate Judges in this Territory who are authorized herein to commit insane persons, shall order from their respective counties all persons thereafter by them duly examined and declared insane, to the Asylum established by this Act; and the cost of transportation of such patients shall be paid by the guardian or friends of the patient transferred, unless he be indigent.

SEC. 21. Until otherwise provided by law, the Board of Directors are hereby authorized and empowered to establish and fix the rate per week or month, for the care and keeping of patients within the Asylum, and if such patients be indigent, the cost for their care and keeping shall be a charge against the county from whence they are sent, and must be

paid from the treasury of such county by order of the County Court.

SEC. 22. To carry out the provisions of this Act, there is hereby appropriated out of the treasury of this Territory, of any moneys not otherwise appropriated, the sum of twenty-five thousand dollars; and the Auditor of Public Accounts is hereby authorized to draw his warrants on the Territorial Treasurer in favor of the Board of Directors of said Insane Asylum.

\$25,000 appropriated to carry out provisions of this Act.

SEC. 23. Of the appropriation herein made, the Board of Directors shall not draw during the year eighteen hundred and eighty to exceed the sum of twenty-thousand dollars of this fund, which shall be expended in the purchasing of grounds, the building and furnishing ready for the admission of patients, the one section of the Asylum on the plan that may be adopted by the Board of Directors in accordance with the provisions of this Act.

\$20,000 to be drawn in 1880 how expended.

SEC. 24. The Board of Directors shall make an itemized report to the Legislative Assembly during the first ten days of its session in the year eighteen hundred and eighty two, and biennially thereafter, of all the expenditures made by them for the uses of the Asylum during the preceding two years.

Directors to make itemized report to Legislature.

Approved February 20, 1880.

CHAPTER XXXII.

CHARTERS OF INCORPORATED CITIES.

AN ACT Amending An Act Amending the Charters of Incorporated Cities, approved February 22, 1878.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section 2 of "An Act amending the Charters of Incorporated Cities," approved February twenty-second, eighteen hundred and seventy-eight, is hereby amended by striking out all the words from the word "and," in the twenty-second line, to the word "assessed" inclusive, in the twenty-sixth line, and inserting the following in lieu thereof: "In proportion to the benefits respectively resulting thereto by virtue of such

Sec. 2 of Act of Feb. 22, 1878, amended, etc.

improvement, as may be directed by such City Council," and by inserting after the words "such city," in the fifty-sixth line of said section, the words: "*Provided*, That in no case shall more than fifty per cent. of any tax assessed under this Act be collected in any one year."

Sec. 3, amended.

SEC. 2. That section 3 of the beforementioned Act is hereby amended by striking out the word "when," at the commencement of said section, and inserting the word "where" in lieu thereof.

Approved February 20, 1880.

CHAPTER XXXIII.

ELECTION OF COUNTY CLERKS.

AN ACT Providing for the Election of Clerks of County Courts.

County Clerks to be elected, when.

Term of office

Must take oath and give bonds.

Conflicting Act repealed.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That at the general election in eighteen hundred and eighty, and biennially thereafter, there shall be elected by the qualified voters of the several counties of this Territory, a Clerk of the County Court, who shall be ex-officio Clerk of the Probate Court for each county, whose term of office shall be for two years, and until his successor is duly elected or appointed and qualified. He shall, within twenty days after his election, take an oath of office, and give bonds with approved security to the acceptance of the County Court, conditioned for the faithful performance of the duties of his office, and such oath and bond shall be filed with the Probate Judge.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved February 20, 1880.

CHAPTER XXXIV.

FIRST AND THIRD JUDICIAL DISTRICTS.

AN ACT Defining the First and Third Judicial Districts of the Territory of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the counties of Millard, Sanpete, Sevier, Juab, Wasatch, Utah, Emery, Uintah, Weber, Box Elder, Cache, Rich and Morgan, shall hereafter constitute the First Judicial District; and the counties of Salt Lake, Tooele, Summit and Davis shall constitute the Third Judicial District of this Territory. All actions at law, suits in equity, and indictments for crime and other legal proceedings which may be pending in the Third Judicial District Court, between the inhabitants or by or against the inhabitants of any or either of said counties of Weber, Box Elder, Cache, Rich and Morgan shall be continued, transferred to and prosecuted to judgment and execution in the said First Judicial District Court, which shall have jurisdiction of the subject matter thereof, and all papers and records relating to the same shall be transferred to such court in the manner hereinafter provided.

First Judicial District.

Third Judicial District.

Certain actions at law, etc., to be transferred.

Papers and records to be transferred.

SEC. 2. The Clerk of the Third Judicial District Court is hereby required to make a transcript from his record of the proceedings of said court relating to all cases pending therein, mentioned in section 1 of this Act, and transmit the same to the Clerk of the First Judicial District Court aforesaid, at Ogden City, Weber County, together with all papers filed in the said cases, on or before the first day of April, A. D. 1880.

Clerk of the Third District Court to make transcripts, etc.

SEC. 3. As soon as the Governor shall appoint the place and time for holding courts in that part of the First Judicial District contained in the said counties of Weber, Box Elder, Cache, Rich and Morgan, a clerk's office shall be established at the place so designated, and the records of the Third Judicial District purchased by the County Court of Weber County, and now in the clerk's office at Ogden City, shall become part of the records of the First Judicial District, and be kept at the clerk's office first named in this section.

Clerk's office to be established at Ogden, when.

Records.

SEC. 4. All cases, both civil and criminal, in which the cause of action shall arise in either of the counties of Utah, Juab, Millard, Sanpete, Sevier, Wasatch, Emery or

When cases arising in the several counties shall be tried.

Uintah, shall be heard, tried and determined in the said First Judicial District Court, at the city of Provo, or at such other place or places within the territorial limits of said last named counties, as shall be fixed by the Governor. And all cases, both civil and criminal, in which the cause of action shall arise in either of the counties of Weber, Box Elder, Cache, Rich or Morgan, shall be tried and determined in the said First Judicial District Court at Ogden, *Provided*, That in all cases a change of the place of trial may be allowed as may be prescribed by law.

Approved February 20, 1880.

CHAPTER XXXV.

PROTECTION OF PERSONS AND ANIMALS.

AN ACT to protect Persons and Animals in certain cases.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person who sinks a shaft on the public domain or commons, either prospecting for coal, silver or other minerals, or for ventilating coal, silver or other mines, shall inclose such shaft with a substantial curb or fence, at least four and one half feet high.

Persons sinking shafts must inclose same with fence.

SEC. 2. The owner, lessee, or agent of any coal mine, who, by working such mine, has caused, or may hereafter cause, the surface on the public domain, commons, highway, or other lands, to cave in, forming a pit in which persons or animals are liable to fall, shall cause said cave or sink to be filled up or securely fenced with a good, lawful fence, and if he has heaped, piled, or shall hereafter heap slack-coal on the surface, and such slack-coal shall take fire, endangering the life or safety of any person or animal, he shall cause the fire to be extinguished or the burning coal to be enclosed with a sufficient fence.

Owners of coal mines must build fences in certain cases.

SEC. 3. Any person failing to comply with the provisions of this Act, is guilty of a misdemeanor, and shall be liable for all damages.

Penalty.

Approved February 20, 1880.

CHAPTER XXXVI.

FISH AND GAME.

AN ACT Amending Certain Acts for the Preservation of Fish and Game.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section 1 of "An Act amending certain sections, herein named, for the preservation of game," approved February 22, 1878, is hereby amended by striking out, in the ninth and tenth lines, the words "March" and "September," and inserting in lieu thereof the words "April" and "August." Section 2 of said Act is hereby amended by striking out the word "January" in the fourth line, and substituting therefor the words "December in each year," and after the word "August," insert the word "following" and strike out the words "in each year," in the fourth line. Section 3 of said Act is hereby amended by striking out the words "said commissioner," in the sixth and seventh lines, and inserting in lieu thereof the words "the informant."

Sec. 1 of the Act of Feb. 22, 1878, amended.

Sec. 2 amended.

Sec. 3 amended.

SEC. 2. Section 2 of "An Act to repeal section twenty-one hundred and ninety-six (2196), and section twenty-one hundred and ninety-seven (2197), of the Compiled Laws of Utah, and prescribing the time and mode of taking fish out of the public waters," approved February 22, 1878," is hereby amended by inserting in the fifth line, after the word "traps," the words "set lines."

Secs. 2196 and 2197 of Compiled Laws amended.

SEC. 3. Section twenty-one hundred and ninety-eight (2198), of the Compiled Laws of Utah, is hereby repealed, and the following substituted therefor: "Every person who puts into the waters of this Territory, any poisonous or explosive substance, or anything that is injurious to fish, or that renders the water unfit for household purposes, is guilty of a misdemeanor."

Sec. 2198 repealed.

Killing of fish by explosive substances, etc., prohibited.

SEC. 4. That any person, corporation or association who has or may hereafter take out the waters of any stream or lake, in this Territory, that contains fish, shall be required to place above the headgate, near the point from where the water is diverted from such stream or lake, a screen made of wire or other suitable material, the meshes not to exceed one and a quarter inches square, and to keep the same in good repair.

Persons corporations, etc., taking water from streams must erect screens.

Approved February 20, 1880.

CHAPTER XXXVII.

OF GUARDIAN AND WARD.

AN ACT in relation to Guardian and Ward.

CHAPTER I.

Guardian and Ward.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Guardians may be appointed by the courts in this Territory in the manner provided for in and pursuant to this Act.

Guardians
may be ap-
pointed.

SEC. 2. A Guardian is a person appointed to take care of the person or property of another.

Guardians.

SEC. 3. The person over whom, or over whose property a Guardian is appointed, is called his Ward.

Ward.

SEC. 4. Guardians are either—

1. General; or,
2. Special.

SEC. 5. A general Guardian is the Guardian of the person, or of all the property of the Ward within this Territory, or of both.

General guar-
dians.
Special guar-
dians.

SEC. 6. Every other is a special Guardian.

SEC. 7. A Guardian of the person or estate, or of both, of a child born, or likely to be born, may be appointed by will or by deed, to take effect upon the death of the parent appointing; such appointment may be made by the father, with the written consent of the mother; or by either parent, if the other be dead or incapable of consent.

When and
how guardi-
ans may be
appointed.

SEC. 8. A Guardian of the person or property, or both, of a person residing in this Territory, who is a minor, or of unsound mind, may be appointed in all cases, other than those named in the preceding section, by the Probate Court, as provided in Chapter II of this Act.

Guardians in
other cases.

SEC. 9. No person, whether a parent or otherwise, shall have any power as Guardian of property, except by appointment as hereinafter provided.

A guardian
must be ap-
pointed be-
fore assuming
his duties.
Who may
appoint.

SEC. 10. A Guardian of the property within this Territory, of a person not residing therein, who is a minor, or of unsound mind, may be appointed by the Probate Court.

SEC. 11. In all cases, the court first making the appointment of a Guardian shall have exclusive jurisdiction to control him.

Court making the appointment has jurisdiction.

SEC. 12. In awarding the custody of a minor, or in appointing a general Guardian, the court or officer shall be guided by the following considerations:

1. By what appears to be for the best interest of the child, in respect to its temporal and its mental and moral welfare; and if the child be of a sufficient age to form an intelligent preference, the court may consider that preference in determining the question.

Considerations governing the appointment of guardians.

2. As between parents adversely claiming the custody or guardianship, neither parent shall be entitled to it as of right, but, other things being equal, if the child be of tender years, it should be given to the mother; if it be of an age to require education and preparation for labor or business, then to the father.

3. Of persons equally entitled to the custody in other respects, preference shall be given as follows:

1. To a parent;
2. To one who was indicated by the wishes of a deceased parent;
3. To one who already stands in the position of a trustee of a fund to be applied to the child's support;
4. To a relative.

SEC. 13. A Guardian appointed by a court, shall have power over the person and property of the Ward, unless otherwise ordered.

Power of a guardian.

SEC. 14. A Guardian of the person shall be charged with the custody of the Ward, and must look to his support, health and education. He may fix the residence of the Ward at any place within the Territory, but not elsewhere, without permission of the court.

Duty of the guardian.

SEC. 15. A Guardian of the property must keep safely the property of his Ward. He must not permit any unnecessary waste or destruction of the real property, nor make any sale of such property without the order of the Probate Court, but must, so far as it is in his power, maintain the same, with its buildings and appurtenances, out of the income or other property of the estate, and deliver it to the Ward, at the close of his guardianship, in as good condition as he received it, natural wear and tear excepted.

Guardian to take proper care of property.

SEC. 16. The relation of Guardian and Ward is confidential; and all property held by a Guardian shall be held in trust for his Ward.

The relation of guardian and ward.

SEC. 17. In the management and disposition of the person or property committed to him, a Guardian may be regulated and controlled by the court.

Court to exercise control of guardian.

Death of a joint guardian, continues power to the survivor.

SEC. 18. On the death of one of two or more joint Guardians, the power shall continue to the survivor until a further appointment is made by the court.

SEC. 19. A Guardian may be removed by the Probate Court for any of the following causes:

Causes for which guardian may be removed.

1. For abuse of his trust.
2. For continued failure to perform its duties.
3. For incapacity to perform its duties.
4. For gross immorality.
5. For having an interest adverse to the faithful performance of his duties.
6. For removal from the Territory.
7. In the case of a Guardian of the property, for insolvency; or,
8. When it is no longer proper that the Ward should be under guardianship.

Power of a guardian appointed by a parent may be superseded, when.

SEC. 20. The power of a Guardian appointed by a parent shall be superseded:

1. By his removal, as provided by section 19 of this chapter.
2. By the marriage of the Ward; or,
3. By the Ward's attaining majority.

Power of a guardian appointed by Court, shall be superseded, when.

SEC. 21. The power of a Guardian appointed by a court shall be superseded only:

1. By order of the court; or,
2. If the appointment was made solely because of the Ward's minority, by his attaining majority; or,
3. The guardianship over the person of the Ward, by the marriage of the Ward.

Ward may settle with guardian, when.

SEC. 22. After a Ward has come to his majority, he may settle accounts with his Guardian, and give him a release, which shall be valid if obtained fairly and without undue influence.

When guardian is entitled to discharge.

SEC. 23. A Guardian appointed by a court shall not be entitled to his discharge until one year after the Ward's majority.

Infants may appear at Court, how.

SEC. 24. When an infant is a party to any suit, he must appear either by his general Guardian, if he have one, or by a Guardian appointed by a court as provided for in Chapter II, Title XVI, Compiled Laws of Utah.

Shares of stock of a minor to be represented, how

SEC. 25. The shares of stock of an estate of a minor, or insane person, may be represented by his Guardian, and of a deceased person by his executor or administrator.

CHAPTER II.

Of Guardian and Ward.

ARTICLE 1.—GUARDIANS OF MINORS.

SEC. 1. The Probate Judge of each county, when it appears necessary or convenient, may appoint Guardians for the persons and estates, or either, or both of them, of minors who have no Guardian legally appointed by will, or deed, and who are inhabitants or residents of the county, or who reside without the Territory, and have estate within the county. Such appointment may be made on the petition of a relative or other person, in behalf of such minor. Before making such appointment the Judge must cause such notice as he deems reasonable to be given to the relatives of the minor residing in the county, and to any person having care of such minor.

Probate Court may appoint guardians of minors.

SEC. 2. If the minor is under the age of fourteen years, the Probate Judge may nominate and appoint his Guardian. If he is above the age of fourteen years, he may nominate his own guardian, who, if approved by the Judge, must be appointed accordingly.

A minor 14 years of age may nominate his guardian.

SEC. 3. If the Guardian nominated by the minor is not approved by the Judge, or if the minor resides out of the Territory, or if, after being duly cited by the judge, he neglects for ten days to nominate a suitable person, the judge may nominate and appoint the Guardian, in the same manner as if the minor was under the age of fourteen years.

The Judge may appoint the guardian, when.

SEC. 4. When a Guardian has been appointed by the court for a minor under the age of fourteen years, the minor, at any time after he attains that age, may appoint his own Guardian, subject to the approval of the Probate Judge.

A minor may change his guardian, when.

SEC. 5. The father of the minor, if living, and in case of his decease, the mother, while she remains unmarried, being themselves respectively competent to transact their own business, and not otherwise unsuitable, shall be entitled to the guardianship of the minor.

Who are entitled to be guardians of a minor.

SEC. 6. If the minor has no father or mother living, competent to have the custody and care of his education, the Guardian appointed shall have the custody and tuition of his Ward.

The guardian must take care of the ward, when.

SEC. 7. Every Guardian appointed shall have the custody and tuition of the minor, and the care and manage-

Guardian to have custody of the minor, for how long.

ment of his estate, until such minor arrives at the age of majority or marries, or until the Guardian is legally discharged.

Guardian must give bond. SEC. 8. Before the order appointing any person Guardian under this chapter, takes effect, and before letters issue, the judge must require of such person a bond to the minor, with sufficient sureties, to be approved by the judge, and in such sums as he shall order, conditioned that the Guardian will faithfully execute the duties of his trust according to law; and the following conditions shall form a part of such bond without being expressed therein:

Must make inventory. 1. To make an inventory of all the estate, real and personal, of his Ward, that comes to his possession or knowledge, and to return the same within such time as the judge may order.

Must manage the estate. 2. To dispose of and manage the estate according to law, and for the best interest of the Ward, and faithfully to discharge his trust in relation thereto, and also in relation to the care, custody and education of the Ward.

Must make return under oath, when. 3. To render an account, on oath, of the property, estate and moneys of the Ward in his hands, and all proceeds or interests derived therefrom, and of the management and disposition of the same, within three months after his appointment, and at such other times as the court directs, and at the expiration of his trust, to settle his accounts with the Probate Judge, or with the Ward, if he be of full age, or his legal representative, and to pay over and deliver all the estate, moneys and effects remaining in his hands, or due from him on such settlement, to the person or persons who are lawfully entitled thereto. Upon filing the bond, duly approved, letters of guardianship must issue to the person appointed. In form, the letters of guardianship must be substantially the same as letters of administration, and the oath of the Guardian must be endorsed thereon, that he will perform the duties of his office, as such Guardian, according to law.

When letters of guardianship may issue. SEC. 9. When any person is appointed Guardian of a minor, the Probate Judge may, with the consent of such person, insert in the order of appointment conditions not otherwise obligatory, providing for the care, treatment, education and welfare of the minor; and to perform such conditions shall be a part of the duties of the Guardian, for the faithful performance of which, he and the sureties of his bond are responsible.

Court may impose other duties upon a guardian. SEC. 10. All letters of guardianship issued, and all Guardians' bonds executed under the provisions of this chapter, with the affidavits and certificates thereon, must be

Letters of guardianship to be recorded

recorded by the Clerk of the Probate Court having jurisdiction of the persons and estates of the Wards.

SEC. 11. If any minor having a father living, has property, the income of which is sufficient for his maintenance and education in a manner more expensive than his father can reasonably afford, regard being had to the situation of the father's family and to all the circumstances of the case, the expenses of the education and maintenance of such minor may be defrayed out of the income of his own property, in whole or in part, as judged reasonable, and must be directed by the Probate Court; and the charges therefor may be allowed accordingly, in the settlement of the accounts of his Guardian.

A minor's property may be used for his maintenance, when.

SEC. 12. Every testamentary Guardian must give bond and qualify, and shall have the same powers and must perform the same duties, with regard to the person and estate of his Ward, as Guardians appointed by the Probate Court, except so far as its powers and duties are legally modified, enlarged or changed by the will by which such Guardian was appointed.

Testamentary guardians must give bond. Their powers and duties.

SEC. 13. Nothing contained in this chapter shall affect or impair the power of any court to appoint a Guardian to defend the interests of any minor interested in any suit or matter pending therein.

Power of Court not impaired by this chapter.

ARTICLE 2.—GUARDIANS OF INSANE AND INCOMPETENT PERSONS.

SEC. 14. When it is represented to the Probate Judge, upon verified petition of any relative or friend, that any person is insane, or, from any cause mentally incompetent to manage his property, the judge must cause a notice to be given to the supposed insane or incompetent person, of the time and place of hearing the case, not less than five days before the time so appointed, and such person, if able to attend, must be produced before him on the hearing.

Probate Judge must investigate cases of insanity.

SEC. 15. If, after a full hearing and examination upon such petition, it appears to the Probate Judge that the person in question is incapable of taking care of himself and managing his property, he must appoint a Guardian of his person and estate, with the powers and duties in this chapter specified.

Guardian must be appointed for insane person.

SEC. 16. Every Guardian appointed as provided in the preceding section, shall have the care and custody of the person of his Ward, and the management of all his estate, until such Guardian is legally discharged; and he must give bond to such Ward, in like manner and with like conditions as before described with respect to the Guardian of a minor.

Duty of the guardian. Must give bond.

The sanity of a person previously declared insane may be investigated, how.

SEC. 17. Any person who has been declared insane, or the Guardian, or any relative of such person, within the third degree, or any friend, may apply, by petition, to the Probate Judge of the county in which he was declared insane, to have the fact of his restoration to capacity judicially determined. The petition shall be verified, and shall state that such person is then sane. Upon receiving the petition the judge must appoint a day for the hearing. The judge shall cause notice of the trial to be given to the Guardian of the petitioner, if there be a Guardian, and to his or her husband or wife, if there be one, and to his or her father or mother, if living in the county. On the hearing the Guardian or relative of the petitioner, and, in the discretion of the judge, any other person, may contest the right of the petitioner to the relief demanded. Witnesses may be required to appear and testify, as in other cases, and may be called and examined by the judge of his own motion. If it be found that the petitioner be of sound mind, and capable of taking care of himself and his property, his restoration to capacity shall be adjudged, and the guardianship of such person, if such person be not a minor, shall cease.

ARTICLE 3.—THE POWERS AND DUTIES OF GUARDIANS.

Guardian must pay just debts of the ward.

SEC. 18. Every Guardian appointed under the provisions of this chapter, whether for a minor or any other person, must pay all just debts due from the Ward out of the Ward's personal estate and the income of his real estate, if sufficient; if not, then out of his real estate, upon obtaining an order for the sale thereof, and disposing of the same in the manner provided in Chapter III, Title XIV, of the Compiled Laws of Utah.

Must settle all accounts and receive debts due.

SEC. 19. Every Guardian must settle all accounts of the Ward, and demand, sue for, and receive all debts due to him, or may, with the approbation of the Probate Judge, compound for the same and give discharges to the debtors on receiving a fair and a just dividend of his estate and effects; and he must appear for and represent his Ward in all legal suits and proceedings, unless another person is appointed for that purpose as Guardian or next friend.

Must manage estate carefully.

SEC. 20. Every Guardian must manage the estate of his Ward frugally and without waste, and apply the income and profits thereof, as far as may be necessary, for the comfortable and suitable maintenance and support of the Ward and his family, if there be any; and if such income and profits be insufficient for that purpose, the Guardian may sell the real estate, upon obtaining an order of the court

therefor, as provided, and must apply the proceeds of such sale, as far as may be necessary, for the maintenance and support of the Ward and his family, if there be any.

May sell the real estate, how.

SEC. 21. When a Guardian has advanced for the necessary maintenance, support or education of his Ward, an amount not disproportionate to the value of his estate, or his condition of life, and the same is made to appear to the satisfaction of the court, by proper vouchers and proofs, the Guardian must be allowed credit therefor in his settlements. Whenever a Guardian fails, neglects or refuses to furnish suitable and necessary maintenance, support or education for his Ward, the court may order him to do so, and enforce such order by proper process. Whenever any third person, at his request, supplies a Ward with such suitable and necessary maintenance, support or education, and it is shown to have been done after refusal or neglect of the Guardian to supply the same, the court may direct the Guardian to pay therefor out of the estate, and enforce such payment by due process.

May be credited for moneys advanced.

When he fails to, the Court may order him to provide for his ward.

SEC. 22. The Guardian may join in and assent to a partition of the real estate of the Ward, whenever said assent is given by such Ward and the court.

When real estate may be partitioned.

SEC. 23. Every Guardian must return to the Probate Court an inventory of the estate of his Ward within three months after his appointment, and annually thereafter. When the value of the estate exceeds the sum of twenty thousand dollars, semi-annual returns must be made to the Probate Court. The Probate Court may, upon application made for that purpose by any person, compel the Guardian to render an account to the Probate Court of the estate of his Ward. The inventories and accounts so to be returned or rendered, must be sworn to by the Guardian. All the estate of the Ward described in the first inventory must be appraised by appraisers appointed, sworn and acting in the manner provided for regulating the settlement of the estates of decedents; such inventory, with the appraisement of the property therein described, must be recorded by the Clerk of the Probate Court in a proper book kept in his office for that purpose. Whenever any other property of the estate of any Ward is discovered, not included in the inventory of the estate already returned, and whenever any other property has been succeeded to, or acquired by any Ward for his benefit, the like proceedings must be had for the return and appraisement thereof as are herein provided in relation to the first inventory and return.

Guardian must return to the court an inventory, how often.

Must render an account.

Appraisers must be appointed.

Inventory must be recorded.

Property of estate not included in inventory.

SEC. 24. The Guardian must, upon the expiration of a year from the time of his appointment, and as often thereafter

Guardian must make annual return of his ac-

counts to the court.

as he may be required, present his account to the Probate Court for settlement and allowance.

Account of joint guardians.

SEC. 25. When an account is rendered by two or more joint Guardians, the Probate Judge may, in his discretion, allow the same upon the oath of either of them.

Guardian to be allowed reasonable expenses.

SEC. 26. Every Guardian must be allowed the amount of his reasonable expenses incurred in the execution of his trust, and he may also have such compensation for his services as the court in which his accounts are settled shall deem just and reasonable.

ARTICLE 4.—THE SALE OF PROPERTY AND DISPOSITION OF THE PROCEEDS.

Real or personal estate may be sold, when.

SEC. 27. When the income of an estate under guardianship is insufficient to maintain the Ward and his family, or to maintain and educate the Ward when a minor, his Guardian may sell his real or personal estate for that purpose, upon obtaining an order of the court therefor.

Part of estate may be sold, when.

SEC. 28. When it appears to the satisfaction of the court, upon the petition of the Guardian, that for the benefit of his Ward, his real estate, or some part thereof, should be sold, and the proceeds thereof put out at interest, or invested in some productive stock, or in the improvement or security of any other real estate of the Ward, his Guardian may sell the same for such purpose upon obtaining an order of court therefor.

Proceeds of sale, how applied.

SEC. 29. If the estate is sold for the purposes mentioned in this article, the Guardian must apply the proceeds of the sale to such purposes, as far as necessary, and put out the residue, if any, on interest, or invest it in the best manner in his power, until the capital is wanted for the maintenance of the Ward and his family, or the education of his children, or for the education of the Ward when a minor, in which case the capital may be used for that purpose, as far as may be necessary, in like manner as if it had been personal estate of the Ward.

Investment of proceeds of sales.

SEC. 30. If the estate is sold for the purpose of putting out or investing the proceeds, the Guardian must make the investment according to his best judgment, or in pursuance of any order that may be made by the Probate Court.

How to obtain order for a sale.

SEC. 31. To obtain an order for such sale, the Guardian must present to the Probate Court of the county in which he was appointed, a verified petition therefor, setting forth the condition of the estate of his Ward, and the facts and circumstances on which the petition is founded, tending to show the necessity or expediency of a sale.

SEC. 32. If it appears to the court from the petition, that it is necessary or would be beneficial to the Ward that the real estate, or some part of it, should be sold, or that the real and personal estate should be sold, the court must thereupon make an order, directing the next of kin of the Ward, and all persons interested in the estate, to appear before the court, at a time and place therein specified not less than four, nor more than eight weeks from the time of making such order, to show cause why an order should not be granted for the sale of such estate. If it appear that it is necessary, or would be beneficial to the Ward to sell the personal estate or some part of it, the court must order the sale to be made.

The court may order a sale, when and how.

SEC. 33. A copy of the order must be personally served on the next of kin of the Ward and all persons interested in the estate, at least ten days before the hearing of the petition, or must be published at least three successive weeks in a newspaper having general circulation in the county, or in such newspaper as may be specified by the court in the order. If written consent to making the order of sale is subscribed by all persons interested therein, and the next of kin, notice need not be served or published.

Personal service of the order to be made, or it may be published.

SEC. 34. The Probate Court, at the time and place appointed in the order, or such other time to which the hearing is postponed, upon proof of the service or publication of the order, must hear and examine the proofs and allegations of the petitioner, and of the next of kin, and all other persons interested in the estate who oppose the application.

The court to examine proofs, etc.

SEC. 35. On the hearing, the Guardian may be examined on oath, and witnesses may be produced and examined by either party, and process to compel their attendance and testimony may be issued by the Probate Court in the same manner and with like effect as in other cases provided for by law.

Hearing, how conducted.

SEC. 36. If any person appears and objects to the granting of any order prayed for under the provisions of this article, and it appears to the court that either the petition or the objection thereto is sustained, the court may, in granting or refusing the order, award costs to the party prevailing, and enforce the payment thereof.

When order is not issued, who must pay costs.

SEC. 37. If, after the examination, it appears necessary, or for the benefit of the Ward, that his real estate, or some part thereof, should be sold, the court may grant an order therefor, specifying therein the causes or reasons why the sale is necessary or beneficial, and may, if the same has been prayed for in the petition, order such sale to be made either at public or private sale.

Court may order sale, and give reasons for the same.

SEC. 38. Every Guardian authorized to sell real estate

Guardian must give bond before the sale. Conditions of the sale.

must, before the sale, give bond to the Probate Judge, with sufficient surety, to be approved by him, conditioned to sell the same in the manner, and to account for the proceeds of the sale, as provided for in Chapter III, Title XIV, of the Compiled Laws of Utah.

Proceeding for sale of property, how regulated.

SEC. 39. All the proceedings under petition of Guardians for sales of property of their Wards, giving notice and the hearing of such petitions, granting or refusing the order of sale, directing the sale to be made at public or private sale, re-selling the same property, return of sale and application for confirmation thereof, notice and hearing of such application, making orders rejecting or confirming sales and reports of sales, ordering and making conveyances of property sold, accounting and the settlement of accounts, must be had and made as required by the provisions of the law concerning estates of decedents, unless otherwise specially provided in this chapter.

Order for sale limited to one year.

SEC. 40. No order of sale granted in pursuance of this article shall continue in force more than one year after granting the same, without a sale being made.

Real estate sold to be paid for, how.

SEC. 41. All sales of real estate of Wards must be for cash, or for part cash and part deferred payments, not to exceed three years, bearing interest from date of sale, as in the discretion of the Probate Judge is most beneficial to the Ward. Guardians making sales must demand and receive from the purchasers bond and mortgage on the real estate sold, with such additional security as the judge deems necessary and sufficient to secure the faithful payment of the deferred payments and the interest thereon.

The court may direct that proceeds of sale be invested, how.

SEC. 42. The Probate Court, on the application of a Guardian, or any person interested in the estate of any Ward, after such notice to persons interested therein, as the Probate Judge shall direct, may authorize and require the Guardian to invest the proceeds of sales, and any other of his Ward's money in his hands, in real estate, or in any other manner most to the interest of all concerned therein, and the Probate Court may make such other orders and give such directions as are needful for the management, investment and disposition of the estate and effects, as circumstances require.

May give other directions, etc.

ARTICLE 5.—NON-RESIDENT GUARDIANS AND WARDS.

Guardians may be appointed for non-resident wards.

SEC. 43. When a person liable to be put under guardianship, according to the provisions of this chapter, resides without this Territory, and has estate therein, any friend of such person or anyone interested in his estate, in expectancy or otherwise, may apply to the Probate Judge of any

county in which there is any estate of such absent person, for the appointment of a Guardian; and if, after notice given to all interested, in such manner as the judge orders, and a full hearing and examination it appears proper, a Guardian for such absent person may be appointed.

SEC. 44. Every Guardian appointed under the preceding section, shall have the same powers and perform the same duties with respect to the estate of the Ward found within this Territory, and with respect to the person of the Ward, if he shall come to reside therein, as are prescribed with respect to any other Guardian appointed under this chapter.

Power and duties of such guardians.

SEC. 45. Every Guardian must give bond to the Ward in the manner and with the like conditions as hereinbefore provided for other Guardians, except that the provisions respecting the inventory, the disposal of the estate and effects, and the account to be rendered by the Guardian must be confined to such estate and effects as come to his hands in this Territory.

Must give bond, and be subject to the conditions provided for other guardians, except etc.

SEC. 46. The guardianship which is first lawfully granted of any person residing without this Territory, shall extend to all the estate of the Ward within the same, and excludes the jurisdiction of the Probate Court of every other county.

The extent of a guardianship, when lawfully granted.

SEC. 47. When the Guardian and Ward are both non-residents, and the Ward is entitled to property in this Territory, which may be removed to another state or foreign country, without conflict with any restriction or limitation thereupon, or impairing the right of the Ward thereto, such property may be removed to the State or foreign country of the residence of the Ward, upon the application of the Guardian to the Probate Judge of the county in which the estate of the Ward, or the principal part thereof, is situated.

When property may be removed from the Territory, and how.

SEC. 48. The application must be made upon ten days' notice to the resident Executor, Administrator or Guardian, if there be such, and upon such application the non-resident Guardian must produce and file a certificate, under the hand of the clerk and seal of the court from which his appointment was derived, showing:

Ten days' notice to be given.

1. A transcript of the record of his appointment.
2. That he has entered upon the discharge of his duties.
3. That he is entitled, by the laws of the state or foreign country, of his appointment, to the possession of the estate of his Ward; or must produce and file a certificate under the hand and seal of the clerk of the court having jurisdiction in the country of his residence, of the estates of persons under guardianship, or of the highest court of

Non-resident guardian must file certain papers with the court.

The court may issue order allowing the property to be removed.

such country, that by the laws of such country the applicant is entitled to the custody of the estate of his Ward without the appointment of any court. Upon such application, unless good cause to the contrary is shown, the Probate Judge must make an order granting to such Guardian leave to take and remove the property of his Ward to the state or place of his residence, which is authority to him to sue for and receive the same in his own name, for the use and benefit of his Ward.

Such order is a discharge to local guardian, etc.

SEC. 49. Such order is a discharge of the Executor, Administrator, local Guardian or other person in whose possession the property may be at the time the order is made, on filing with the Probate Court the receipt therefor of the Guardian of such absent Ward.

ARTICLE 6.—GENERAL AND MISCELLANEOUS PROVISIONS.

Persons suspected of having taken property belonging to ward may be proceeded against, how.

SEC. 50. Upon complaint made to him by any Guardian, Ward, creditor or other person interested in the estate, or having a prospective interest therein, as heir or otherwise, against any one suspected of having concealed, embezzled, or conveyed away any of the money, goods or effects, or an instrument in writing, belonging to the Ward or to his estate, the Probate Judge may cite such suspected person to appear before him, and may examine and proceed with him on such charge in the manner provided in Chapter III, Title XIV, Compiled Laws of Utah, with respect to persons suspected of and charged with, concealing or embezzling the effects of a decedent.

Guardians may be removed for cause, or may resign.

SEC. 51. When a Guardian, appointed either by the testator or the Probate Judge, becomes insane or otherwise incapable of discharging his trust, or unsuitable therefor, or has wasted or mismanaged the estate, or failed for thirty days to render an account or make a return, the Probate Court may, upon such notice to the Guardian as the court may require, remove him and compel him to surrender the estate of the Ward to the person found to be lawfully entitled thereto. Every Guardian may resign, when it appears proper to allow the same; and upon the resignation or removal of a Guardian, as herein provided, the Probate Court or the judge thereof, may appoint another in the place of the Guardian who has resigned or has been removed.

Marriage of the ward terminates guardianship.

SEC. 52. The marriage of a minor Ward shall terminate the guardianship; and the Guardian of an insane or other person may be discharged by the Probate Judge when it appears to him, on the application of the Ward or otherwise, that the guardianship is no longer necessary.

SEC. 53. The Probate Judge may require a new bond

to be given by a Guardian whenever he deems it necessary, and may discharge the existing sureties from further liability, after due notice given as he may direct, when it shall appear that no injury can result therefrom to those interested in the estate.

The court may require guardian to give new bond

SEC. 54. Every bond given by a Guardian must be filed and preserved in the office of the Clerk of the Probate Court of the county; and in case of a breach of a condition thereof, may be prosecuted for the use and benefit of the Ward or of any person interested in the estate.

Bonds must be filed, and may be prosecuted.

SEC. 55. No action can be maintained against the sureties or any bond given by a Guardian, unless it be commenced within three years from the discharge or removal of the Guardian; but if at the time of such discharge the person entitled to bring such action is under any legal disability to sue, the action may be commenced at any time within three years after such disability is removed.

Actions against, sureties or the bond, must commence within three years, except etc.

SEC. 56. No action for the recovery of any estate sold by a Guardian can be maintained by the Ward, or by any person claiming under him, unless it is commenced within three years next after the termination of the guardianship, or when a legal disability to sue exists by reason of minority or otherwise, at the time when the cause of action accrues, within three years next after the removal thereof.

Actions for recovery of real estate must commence within three years.

SEC. 57. The Court, in its discretion, whenever necessary, may appoint more than one Guardian of any person subject to guardianship, who must give bond and be governed and liable in all respects as a sole Guardian.

The Court may appoint more than one guardian.

SEC. 58. The power conferred upon the Probate Judge in relation to Guardians and Wards may be exercised by him at chambers, or as the act of the Probate Court when holding such court; and any order appointing a Guardian must be entered as and become a decree of the court. The provisions of Title XIV of the Compiled Laws of Utah relative to the estates of decedents, so far as they relate to the practice in the Probate Courts, shall apply to proceedings under this chapter.

The Probate Judge may exercise power at chambers.

Provisions of Title XIV Compiled Laws to apply to this chapter.

SEC. 59. The provisions of section eighteen hundred and sixteen of the Compiled Laws of Utah are hereby declared to apply to Guardians appointed by the Court and to bonds taken or to be taken from such Guardians, and to the sureties on such bonds.

Provisions of sec. 1816 Compiled Laws to apply to Guardians, etc.

SEC. 60. Guardians appointed prior to the passage of this Act, shall discharge the duties of their trust and settle the estates of their Wards, in accordance with the provisions of this Act, so far as practicable.

Guardians appointed prior to the passage of this Act.

SEC. 61. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Conflicting Act repealed.

Approved February 20, 1880.

CHAPTER XXXVIII.

AMENDING OGDEN CITY CHARTER.

AN ACT to amend AN ACT entitled An Act to Incorporate Ogden City approved January 18, 1861.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That "An Act incorporating Ogden City," approved January 18, 1861, is hereby amended as follows: The twenty-first section of said Act is hereby amended by striking out from the third line the word "April," and inserting in lieu thereof the word "June."

Sec. 21
amended.

SEC. 2. The twenty-second section of said Act is hereby amended by adding after the word "name," in the fourth line of said section, the words "or by distress and sale of any property belonging to persons so indebted."

Sec. 22
amended.

SEC. 3. The fifty-seventh section of said Act is hereby amended by striking out from the sixth and seventh lines thereof, the words "not exceeding one," and inserting in lieu thereof the words, "in any sum less than three."

Sec. 57
amended.

SEC. 4. Any person elected to any office may be removed for cause from such office by a vote of two-thirds of the City Council; he shall be furnished with the charges, and have an opportunity to be heard in his defense; and the Council shall have power to compel the attendance of witnesses, and the production of papers, when necessary.

Persons may
be removed
from office,
how.

SEC. 5. The City Council shall have the right and power, by ordinance, to appropriate from time to time, so much of the water of any spring or stream flowing in or into said city, or which may be near or adjacent to said city, as it may deem necessary for the present or future use of said city and its inhabitants; and any ordinance which it may have already enacted, or which it shall hereafter enact, appropriating the water of any such spring or stream, shall, from the date thereof, be deemed and taken to be an appropriation of such water, and said City Council may prohibit any person from using or appropriating such water without permission from the proper city authorities; *Provided*, That this section shall not authorize said City Council to appropriate any water previously appropriated by any person, nor

City Council
may appropriate water.

Prior rights
not to be
disturbed.

to interfere with any vested rights then existing in any such water.

SEC. 6. That the City Council shall have the right and authority to borrow, not exceeding twenty-five thousand dollars of money as a direct loan to the city, or to issue bonds of the city, payable within ten years, at such time and place and bearing such rate of interest, not exceeding seven per cent. per annum, payable semi-annually or yearly, as it may deem expedient, and it may also provide that such bonds or indebtedness shall not be liable to taxation by the city; *Provided*, That the money borrowed, or the proceeds of such bonds shall be expended for the erection of water works for the city, within or without the corporation, after due notice given in the manner provided by law for notice of general election in said city, which notice shall state the objects and amount of the proposed loan or issue of bonds, the rate of interest, and time and place of payment of the debt or bonds, and the electors shall vote "yes" or "no," on each proposition. If a two-thirds majority of the voters of the property taxpayers cast, are in the affirmative, the City Council may proceed to borrow the money or issue the proposed bonds in such denominations or sums as they may deem proper, and to sell the same. But said bonds shall not be sold for less than their par value, nor shall they, or any debt created pursuant to the provisions of this Act, bear a greater rate of interest than seven per cent. per annum, payable annually or semi-annually.

City Council may borrow money, how.

Money to be expended, how.

Election to be held.

Two-thirds vote necessary.

Bonds to be sold at par value, rate of interest.

Approved February 20, 1880.

CHAPTER XXXIX.

SALT LAKE CITY CANALS.

AN ACT to Provide for Right of Way for Canals for Salt Lake City.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the corporation of Salt Lake City is hereby empowered to supply its inhabitants with water, and for that purpose to construct and maintain such canals, ditches, flumes, dams, reservoirs and other means for procuring, diverting and conveying water

Salt Lake City given power to construct canals, etc.

as may be necessary, although the same may be or extend beyond the corporate limits of said city.

Proceedings
to secure
right of way.
Application
to be made to
District Court.

SEC. 2. Whenever said city shall not have acquired, by gift or purchase, any land, real estate, or claim necessary for the construction or maintenance of such canal, ditch, flume, reservoir or dam, or other means of storing, diverting and conveying water, or which may be affected by any operations connected with the construction or maintenance of the same, the said corporation may present to the Judge of the District Court of the Judicial District wherein such lands, real estate or claims shall be situated, a petition signed by the mayor, attorney or agent of the same, describing with convenient accuracy and certainty, by maps or otherwise, the lands, real estate or claims so required to be taken or affected, as aforesaid, setting forth the purpose for which said land is required, the name and residence of each owner or other person interested therein as owner, lessee or incumbrancer, as far as known, to such mayor, attorney or agent, or appearing of record upon local or county record, and praying the appointment of three appraisers to ascertain the compensation to be made to such owner and person interested, for the taking or injuriously affecting such land, real estate or claims as aforesaid.

Appraisers to
be appointed.

Ten days'
notice to be
given.

SEC. 3. The said judge shall have satisfactory evidence that notice of an intended application, and the time and place thereof, for the appointment of appraisers between said corporation and the owners and the persons interested in such lands, real estate and claims, has been given, at least ten days previously, to such owners, personally or at their residence, or on the premises, or by the publication thereof in a newspaper having general circulation in the district in which such lands, real estate or claims shall be situated, such publication to be allowed only in respect to owners or persons interested, who shall appear by affidavit to have no residence in the county known to such mayor, attorney or agent, which notice shall be published at least thirty days prior to the time fixed for the application aforesaid. The court may adjourn the proceedings from time to time; shall direct any future notice thereof to be given that may seem proper; shall have proofs and allegations of all parties interested, touching the regularity of the proceedings, and shall, by an entry in its minutes, appoint three disinterested appraisers, as aforesaid, specifying in such entry a time and place for the first meeting of such appraisers.

Notice to be
published.

Court to hear
parties
interested.

Appraisers to
take oath.

SEC. 4. The said appraisers, before entering upon the duties of their offices, shall take an oath to faithfully and impartially discharge their duties as said appraisers, and

any one of them may administer oaths to witnesses produced before them; they may issue subpoenas, and compel witnesses to attend and testify, and may adjourn and hold meetings for that purpose, and shall give reasonable previous notice to such owners or parties interested. They shall hear the proofs and allegations of the parties, and any two of them, after reviewing the premises, shall, without fear, favor, or partiality, ascertain and certify the compensation proper to be made to said parties or owners interested, for the lands, real estate or claims, to be taken or affected, as well as all damages accruing to the owners or parties interested in consequence of the condemnation of the same, taking, or injuriously affecting as aforesaid, making such deduction or allowances for the real benefits or advantages which such owners, or parties interested, may derive from the construction of such canal, ditch, flume, dam, or reservoir, or other means of diverting or conveying water. They, or a majority of them, shall make, subscribe and file in the office of the Clerk of the District Court of the district in which such lands, real estate, or claims, shall lie, a certificate of the said ascertainment and assessment, in which such lands, real estate, or claims, shall be described with convenient certainty and accuracy.

May administer oaths and issue subpoenas, and compel witnesses to testify.

Duties of the appraisers.

Must file a certificate of assessment, etc.

SEC. 5. The said judge, upon such certificate and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties with the Clerk of the Court, or other place for that purpose, approved by the court, shall make and cause to be entered in its minutes, a rule describing such lands, real estate or claims, in manner aforesaid, such ascertainment, of compensation, with mode of making it, and each payment or deposit of the compensation as aforesaid, a certified copy of which shall be recorded and indexed in the Recorder's office of the proper county, in like manner and with like effect as if it were a deed of conveyance from the said owners, and parties interested to the said corporation. Upon the entry of each rule the said corporation shall have exclusive right, title and possession of all such lands, real estate or claims described in said rule, as required to be taken as aforesaid, and may take possession of, and hold and use the same, for the purpose of such canal, ditch, flume, dam or reservoir, or other means of storing, diverting and conveying water, and shall thereupon be discharged from all claims for any damage by reason of any matter specified in such petition, certificate or rule of said District Court.

The Court to enter upon its minutes a rule describing said lands, etc.

One copy to be recorded.

SEC. 6. If at any time after an attempted or actual ascertainment of compensation under this Act, or any pur-

The Corporation may perfect its title to land, etc.

chase by or donation to said corporation of lands or claims for purposes aforesaid, it shall appear that the title acquired thereby to all or any part of such land, for the use of said corporation, or if said assessment shall fail or be deemed defective, the said corporation shall proceed and perfect such title by procuring an assessment of the compensation proper to be made to any person who has title, claim or interest in, or lien upon such lands and by making payment thereof in the maner hereinafter provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this Act, the said judge may, by rule in that behalf made, authorize the said corporation if already in possession; and if not in possession, to take possession of and use said premises during the pendency, and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporations on account thereof: *Provided*, said corporation shall pay a sufficient sum into court, or give approved security to pay the compensation in that behalf when ascertained, and in every case when possession shall be so authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the corporation. The said appraisers shall receive five dollars per day, as compensation for each day actually employed, such compensation to be taxed and allowed by the said judge. If any appraiser so appointed shall die, be unable or fail to serve, the court may appoint another in his place, on reasonable notice, or the parties by written agreement may appoint another, to be approved by the said judge.

Compensation
of appraisers,
vacancies,
how filled.

Approved February 20, 1880.

CHAPTER XL.

GENERAL APPROPRIATIONS.

AN ACT making Appropriations for General Purposes.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That there are hereby appropriated out of any moneys in the territorial treasury not otherwise appropriated, the following sums to the following named persons or accounts respectively :

1. To Recorder of Marks and Brands, for the purpose of printing marks and brands for the next two years,	\$ 175 00
2. To Territorial Superintendent of District Schools, salary for 1880 and 1881, at \$1,500 per annum,	3,000 00
3. For expenses of printing and contingent expenses for school superintendent's office, for two years, one-half each year for 1880 and 1881,	500 00
4. To pay Librarian's salary for 1880 and 1881, ending December 31, 1881, at \$250 per year,	500 00
5. To pay salary of Auditor of Public Accounts, for two years, ending December 31, 1881, \$1,500 each year,	3,000 00
6. To pay salary of Territorial Treasurer, for two years, ending December 31, 1881, \$600 per year,	1,200 00
7. To William A. C. Bryan, for the relief of Juab County for uncollected territorial tax,	37 50
8. For relief of H. H. Cluff, Assessor and Collector of Utah County, for 1877,	58 67
9. To W. C. Dunbar, Public Printer for 1878, deficiency for printing,	131 70
10. To Silas S. Smith, to be expended in opening the road from Escalante, in Iron County, eastward across the Colorado River to the San Juan,	5,000 00
Said amount to be applied under the direction of Silas S. Smith, upon whose vouchers for labor done and materials and supplies furnished, the Auditor of Public	

Accounts shall issue Territorial Warrants for said amount.	
11. To W. A. C. Bryan, to reimburse Juab County for building the Sevier bridge, in the year 1879,	400 56
12. For relief of Gilbert Belnap, Collector of Weber County, for 1878,	33 80
13. To the estate of the late A. P. Rockwood, for expense incurred in procuring salmon eggs and distributing small fry salmon to the public waters of Utah Territory,	200 00
14. For the relief of Archibald McKinnon, Assessor and Collector of Rich County, for the years 1875-6-7,	34 00
15. For the relief of A. E. Merriam, Assessor and Collector of Sanpete County, for the year 1876,	26 50
16. To be drawn and expended under the direction of the Chancellor and Regency of the University of Deseret, for the years 1880 and 1881, one-half to be drawn each year,	10,000 00
17. To pay fees of jurors and witnesses in criminal cases, <i>Provided:</i> That the above amount shall be drawn upon vouchers duly authenticated for service as jurors in criminal cases only, and for witnesses for the prosecution only in such cases.	35,000 00
18. To pay rent of office for Auditor, Recorder of Marks and Brands, Treasurer, Territorial Surveyor-General and Territorial Library, for the two years ending March 1, 1882,	1,200 00
19. For the relief of Tooele County, to be drawn by the County Clerk of said County,	460 00
20. To Sergeant-at-Arms of the House, for expenses of present session of Legislative Assembly,	695 82
21. To Thomas E. Taylor, Public Printer,	812 72
22. For the relief of Wm. Reeves, Assessor and Collector of Davis County, for the years 1870-1-2-3-4-5-6-7,	200 00
23. For Chaplains' services in both houses, each \$200,	400 00
24. To pay the Assistant Clerk of each house, \$200 each,	400 00
25. To pay the Assistant Engrossing and Enrolling Clerk in each house, \$200 each,	400 00

26. To pay the Doorkeepers of each house, \$200 each,	400 00
To be returned to the Territorial Treasurer when Congress appropriates the deficiency applied for by the memorial already forwarded to that Honorable Body.	
27. To the County Court of Rich County, to improve the road from Randolph to Laketown, and between Rich and Cache Counties,	1,000 00
28. To Kane County Court, to be laid out on the road through Kanab Cañon,	500 00
29. To the University of Deseret for each year, 1880 and 1881, \$10,000,	20,000 00
For the purpose of purchasing suitable grounds, and to erect buildings thereon for University purposes, to be expended under the direction of the Chancellor and Board of Regents of the University of Deseret.	
30. To the County Court of Washington County, to aid said county to complete the bridge and approaches thereto, over the Rio Virgen River, southeast of St. George. <i>Provided:</i> That said county court shall furnish the balance of the funds necessary to complete said bridge and approaches,	1,000 00
31. To E. W. Snow, Assessor and Collector of Washington County, to reimburse him for delinquent territorial taxes not collected, but paid by him in settlement with the Territorial Auditor for the years 1877-8-9,	66 11
32. To D. Seegmiller, ex-Assessor and Collector of Washington County, to reimburse him for delinquent territorial taxes, not collected for the years 1875 and 1876, and paid by him in settlement with the Territorial Auditor,	15 07
33. To be drawn on the order of S. H. B. Smith, Sergeant-at-Arms of the Council, to pay for newspapers, stationery, stamps and other incidental expenses of the Legislative Council,	390 38
34. For incidental expenses of Auditor's and Treasurer's offices, for the years 1880 and 1881, \$500, or so much thereof as may be necessary,	500 00
35. To John B. Milner, for legal services in the	

	District Courts, and expenses during the years 1878 and 1879,	500 00
36.	To Z. Snow, for legal services rendered the Territory before the Third District and the Supreme Courts of this Territory, and for legal counsel to territorial officers in the years 1878 and 1879,	500 00
7.	To Nathan C. Davis, ex-Sealer of Weights and Measures, for rent of room and care of standard instruments belonging to the Territory, from October 5, 1866, to April 11, 1878,	300 00
38.	To assist Sevier and Emery Counties to locate and make a road through Salina Cañon and Meadow Gulch, from Salina to Ivy Creek, one-half to be expended under the direction of Emanuel Bagley, of Emery County, and the other half under the direction of such agent as the County Court of Sevier County may appoint, to be drawn and expended during the year 1880; the location and general character of the road to be determined by the joint action of the two agents herein provided for,	2,000 00
39.	For the relief of Josiah Rogerson, Assessor and Collector of Beaver County, for uncollected taxes, paid by him to the Territory, as per certified list,	94 15
40.	To Chairman of Enrolling Committee of Council, for extra clerk hire,	30 00
41.	To Chairman of Enrolling Committee of House,	
	for extra clerk hire,	30 00

42. *Whereas*, It is alleged that the certificates of service as jurors and witnesses in attendance upon the Courts, and the abstracts thereof, fail to distinguish between civil and criminal business; *Therefore*, The Honorables John T. Caine, of Salt Lake County, John R. Murdock, of Beaver County, and John E. Booth, of Provo, are hereby appointed Special Commissioners to examine District Court records, and make diligent search in their respective Judicial Districts for all criminal matters, and report result of their examinations to the Auditor of Public Accounts, and said Auditor is hereby instructed to aid and co-operate with said Commissioners, and shall issue warrants on the treasury to pay Court expenses for witnesses and jurors as shall be found legal and proper under the laws of the Territory.

Approved February 20, 1880.

SPECIAL LAWS.

AN ACT to change the name of Charles Angel Hendricksen to Charles Angel Henry Bulow.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of Charles Angel Hendricksen, of Sevier County, be changed to Charles Angel Henry Bulow; *Provided*, Such change of name shall not affect any past or pending interest in law or equity.

Approved January 26, 1880.

CHANGE OF NAME.

AN ACT to change the name of Hans Jorgen Christiansen to Hans Jorgen Rasmussen.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of Hans Jorgen Christiansen, of Salt Lake County, in the Territory of Utah, be changed to Hans Jorgen Rasmussen; *Provided*, That nothing in this act shall release said Hans Jorgen Rasmussen from any responsibilities in law or equity hitherto incurred under the name of Hans Jorgen Christiansen; nor deprive him of any rights, privileges, or powers, in law or in equity, which he has hitherto enjoyed, or would still enjoy by retaining his former name.

SEC. 2. This act shall be in force from and after its passage.

Approved January 26, 1880.

CHANGE OF NAME.

AN ACT to Change the Name of Christian P. Christensen to Christian P. Larsen.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of Christian P. Christiansen, of Utah County, be changed to Christian P. Larsen, and that any and all legal documents, rights and obligations existing in the name of Christian P. Christiansen are hereby continued to Christian P. Larsen.

CHANGE OF SURNAME.

AN ACT to Change the Surname of the Persons therein named.

[Approved February 17, 1880.]

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the surname of Mary Ellen Layton and Mary Lavinia Layton is hereby changed to Naylor, and that any and all legal rights and obligations existing in the names of Mary Ellen Layton and Mary Lavinia Layton, are hereby continued to Mary Ellen Naylor and Mary Lavinia Naylor.

MEMORIAL TO CONGRESS.

*To the Honorable Senate and House of Representatives
of the United States, in Congress assembled:*

We, your memorialists, the acting Governor and Legislative Assembly of the Territory of Utah, respectfully represent that, by the Appropriation Bill passed by your Honorable Body, approved June 21, 1879, for legislative, executive and judicial expenses for the fiscal year ending June 30, 1880, the amount for the legislative expenses of the Territory of Utah was placed at fifteen thousand six hundred dollars, which is a large reduction on the former appropriations for such expenses; that by the Act of June 19, 1878, it was provided that; "From and after the adjournment of the next session of the several Territorial Legislatures, the Councils of each of the Territories of the United States shall not exceed twelve members, and the House of Representatives of each shall not exceed twenty-four members, and the members of each branch of the said several Legislatures shall receive a compensation of four dollars per day each during the sessions provided by law, and shall receive such mileage as the law provides, and the President of the Council and the Speaker of the House of Representatives shall each receive six dollars per day for the same time. And the several Legislatures at their next sessions are directed to divide their respective Territories," etc., that the Legislative Assembly of this Territory has not convened, until the present year, since the passage of said Act of Congress, and that therefore it necessarily consists of thirteen members of the Council and twenty-six members of the House of Representatives, who have been elected and have accepted office, and are performing the duties thereof under the old regulations concerning their per diem, and that the officers, who are in number as formerly, have been appointed under like conditions; that the Act of Congress making the change cannot apply to this Territory until the next session of the Legislature; that the Legislative Assemblies of the Territories of Arizona, Dakota, Idaho and Montana were placed in a similar position

in the year 1879, and were relieved therefrom by your Honorable Body by the Act of March 3d, 1879, in which the following appropriations were made: "For Arizona, \$4,220, for Dakota, \$5,680, for Idaho, \$5,680, for Montana, \$5,680."

We therefore ask your Honorable Body to extend to Utah the same relief as applied to other Territories, by making an appropriation of the sum of \$4,800.00, for deficiencies for the fiscal year 1880, viz.: the compensation and mileage of the members of the Legislative Assembly, officers and clerks, and as in duty bound your memorialists will ever pray.

ORSON PRATT,
Speaker of the House of Representatives.

LORENZO SNOW,
President of the Council.

Approved February 4, 1880.

ARTHUR L. THOMAS,
Acting Governor.

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